

# EDPC Staff Handbook

Date of last review: 14 February 2019; reviewed 13.02.20

## CONTENTS

<b>CONTRACT OF EMPLOYMENT – TEMPLATE</b> .....	2
<b>JOB DESCRIPTION – CLERK TO THE COUNCIL</b> .....	11
<b>RECRUITMENT POLICY</b> .....	13
<b>EQUAL OPPORTUNITIES POLICY</b> .....	15
<b>FLEXIBLE WORKING POLICY</b> .....	17
<b>STANDARDS OF CONDUCT</b> .....	19
<b>STAFF DEVELOPMENT &amp; PERFORMANCE MANAGEMENT POLICY</b> .....	21
<b>DISCIPLINARY PROCEDURE</b> .....	23
<b>GRIEVANCE PROCEDURE</b> .....	27
<b>BULLYING &amp; HARASSMENT POLICY</b> .....	29
<b>ALCOHOL &amp; DRUG POLICY</b> .....	31
<b>WHISTLEBLOWING POLICY</b> .....	31

**CONTRACT OF EMPLOYMENT - TEMPLATE**

This contract of employment (“the contract”) contains the main terms and conditions of your employment with East Donyland Parish Council (“the Council”). It includes all the written particulars required by the Employment Rights Act 1996.

**THE EMPLOYER::** East Donyland Parish Council

**THE EMPLOYEE:**

**DATE OF ISSUE:**

**1. COMMENCEMENT DATE**

1.1 Your employment with East Donyland Parish Council began on XXXX (“the commencement date”).

**2. CONTINUOUS SERVICE**

2.1 Subject to 2.2 below, no period of employment before the commencement date counts as part of your period of continuous service.

2.2 For the purposes of entitlements to annual leave, sick pay arrangements, and maternity arrangements, continuous service includes continuous previous service with any public authority to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies.

**3. CONDITIONS OF SERVICE**

3.1 The National Agreement on Pay and Conditions of Service of the National Joint Council (“the NJC”) for Local Government Services (“the Green Book”) applies to your employment save as amended by this contract.

**4. PROBATION**

4.1 Your appointment as the Clerk from XXX is subject to satisfactory completion of a probationary period of 26 weeks.

**5. JOB TITLE**

5.1 You are employed as The Proper Officer, the Clerk, Responsible Financial Officer and Data Protection Officer.

**6. JOB DUTIES**

6.1 You are expected to perform all duties which may be required of you as defined in the attached Job Description in order to maintain the smooth administration of the Council’s duties.

6.2 The Council may from time to time wish to amend your job description. You may be required to undertake other duties to meet the requirements of the job and

needs of the Council.

## **7. DECLARATION OF OTHER EMPLOYMENT**

7.1 You shall not undertake other employment without the Council's written consent. Such consent shall not be unreasonably withheld.

## **8. PLACE OF WORK**

### **Working from the Council's premises**

8.1 Your usual places of work are:

1 Regent Street, Rowhedge, Colchester CO5 7EA and at

the venues for the Council's meetings (usually St Lawrence School).

## **9. SALARY**

9.1 Your hourly rate is XXX being the current salary point XX for part time clerks within the XXX range in scale XX as set out in the 2004 National Agreement on Salaries and Conditions of Service of Local Council Clerks in England and Wales.

9.2 You have been appointed to a single salary point and the Council will review your salary annually on the anniversary of your appointment.

9.3 One salary point will be added to your salary, up to a maximum of four points, for success in obtaining or already holding any of the following relevant qualifications:

- The Certificate in Local Council Administration
- Certificate of Higher Education in Community Engagement and Governance - Level 1 or equivalent qualification previously awarded by the University of Gloucestershire
- the Certificate of Higher Education in Community Engagement and Governance or equivalent qualification previously awarded by the

University of Gloucestershire

- the Diploma in Higher Education in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire
- BA (Hons) Degree in Community Engagement and Governance or equivalent qualification previously awarded by the University of Gloucestershire.

9.4 Your salary will be paid to you by cheque or bank transfer to your bank or Building Society on or before the last working day of each month.

## **10. EXPENSES**

10.1 The Council shall reimburse you at NJC rates in force at the time for mileage incurred in the performance of Council business (“mileage expenses”) provided that mileage expenses have been approved by the Council.

10.2 The Council shall reimburse you for other expenses which may include overnight accommodation, meals and fares incurred in the performance of Council business (“other expenses”) provided that the other expenses have been receipted and approved by the Council.

## **11. APPRAISAL**

11.1 You will receive an annual appraisal carried out by two appointed Parish Councillors.

## **12. HOURS OF WORK**

12.1 You are required to work an average of XX hours per week from Monday to Friday which would normally include time for evening meetings and a minimum of XX day time hours in the office (this may be flexible to meet the needs of the job).

## **13. ADDITIONAL HOURS**

### **For employees who are paid at or below salary point 28**

13.1 If you work more than your normal working hours, then subject to the Council's approval, you will be reimbursed at the appropriate NJC rate for these hours or you may take time off in lieu at a time to be agreed between you and the Council.

## **14. ANNUAL LEAVE**

14.1 Subject to clause 2.2 of the contract, the calculation of your annual leave commences from the first day of your employment. You are entitled, in addition to the normal bank and public holidays, to 21 working days' leave in each leave year (pro rata for part time employees).

14.2 In addition to normal bank and public holidays, you will be entitled to two extra statutory days.

14.3 Your leave entitlement will increase to 25 working days per year (pro rata for part time employees) when you have five years' continuous service immediately prior to the commencement of the leave year.

14.4 If your employment commenced or terminates part way through the leave year, your leave entitlement will be calculated on a pro rata basis. Deductions from your final salary payment will be made for any leave taken in excess of your

entitlement.

14.5 Annual leave must be taken at times agreed with the Clerk and Council. You may carry forward up to 5 days' leave into the following leave year, subject to the approval of the Council.

## **15. SICKNESS ABSENCE**

15.1 If you are absent from work on account of sickness or injury, it is your responsibility to inform the Clerk and Council of the reason for your absence as soon as possible, but no later than 9am on the working day on which the absence first occurs.

15.2 The Council shall have the right at any time to require you to submit to examination by an independent medical practitioner selected by the Council, to obtain a confidential report on your condition from such practitioner and to discuss with such practitioner the findings of his/her examination and his/her prognosis of your likely recovery and or fitness to resume work and any recommended treatment.

## **16. SICK PAY**

16.1 Provided that you comply with the Council's sickness absence policy, you will receive sick pay when you are absent from work because of sickness, as follows:

during 1st year of service	• one month's full pay and (after completing 4 months' service) 2 months' half pay
during 2 <sup>nd</sup> year of service	• 2 months' full pay and 2 months' half pay
during 3 <sup>rd</sup> year of service	• 4 months' full pay and 4 months' half pay
during 4 <sup>th</sup> & 5 <sup>th</sup> - year of service	• 5 months' full pay and 5 months' half pay
after 5 years' service	• 6 months' full pay and 6 months' half pay

**17. MATERNITY /PATERNITY /ADOPTION LEAVE**

17.1 Your entitlement to maternity/paternity/adoption leave is as set out in the relevant legislation.

**18. INJURY OR ASSAULT**

18.1 In the event of death or permanent disablement arising from a violent or criminal assault suffered in the course of employment then all insurance payments will be made in accordance with paragraph 7 of Part 3 of the Green Book.

**19. PENSIONS**

19.1 The Council is a member of the Local Government Pension Scheme, which operates a contributory pension scheme which you are entitled to join. You will be provided with details and required to inform the council if you wish to opt out. There is in force a contracting out certificate for the purposes of the Pensions Scheme Act 1993 stating that the employment is contracted-out employment.

**20. NOTICE OF TERMINATION OF EMPLOYMENT**

**During probationary period**

20.1 Either party may terminate the contract by giving one week's notice in writing.

**After completion of probationary period**

20.2 The length of notice which you are obliged to give to the Council to terminate your employment is two months in writing.

20.3 The length of notice which you are entitled to receive from the Council to terminate your employment is four weeks in writing until you have been continuously employed for four years and thereafter such notice entitlement increases by one week for each year of continuous service until you have completed twelve years of continuous employment after which time you will be



entitled to twelve weeks' notice.

- 20.4 Within one week of the termination of your employment you are required to surrender to the Council all Council property including computers and other electronic devices and any documents and other materials, including copies that you have been holding on behalf of the Council. You shall irretrievably delete from all your personal electronic devices all property of the Council and shall produce evidence of such as the Council may require.

## **21. DISPUTE RESOLUTION**

- 21.1 The Council's grievance and disciplinary procedures are available on its website.  
[www.eastdonylandpc.co.uk](http://www.eastdonylandpc.co.uk)
- 21.2 If you have a grievance arising from your employment, you should raise it with the Chair of the Finance and Personnel Committee. If you are dissatisfied with any disciplinary decision made against you, you should raise it with the Chair of the Council.

## **22. HEALTH AND SAFETY**

- 22.1 You have a duty to ensure the health and safety of yourself and others. You must also co-operate with the Council so that it can comply with its health and safety obligations.
- 22.2 A copy of the Council's Health and Safety Policy is available on its website.  
[www.eastdonylandpc.co.uk](http://www.eastdonylandpc.co.uk)

**23. EQUAL OPPORTUNITY POLICIES**

23.1 You must comply with the Council’s Equal Opportunity Policy, a copy of which is available on its website. [www.eastdonylandpc.co.uk](http://www.eastdonylandpc.co.uk)

**24. TRAINING AND DEVELOPMENT**

24.1 The Council shall be responsible for the costs associated with any training and development that it considers necessary. This may include the cost of training and development courses or examinations, and payment of mileage expenses and other expenses in accordance with the Council’s expenses policy. Where the Council considers it necessary, it shall give you reasonable paid time off for study.

**25. INDEMNITY**

25.1 The Council undertakes to indemnify you against any actions of commission or omission that are authorised by the Council.

**Signed:**

.....

**Dated:**

.....

**Name:**

.....

**Role:**

**Signed for and on behalf of East Donyland Parish Council**

**Signed:**

.....

**Dated:**

.....

**Name:**

.....

## **JOB DESCRIPTION – CLERK TO THE COUNCIL**

### **Overall Responsibilities**

The Clerk to East Donyland Parish Council will be the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law, of a local authority's Proper Officer.

The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out.

The Clerk is expected to advise the Council on, and assist in, the formation of overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions.

The person appointed will be accountable to the Council for the effective management of all its resources and will report to them as and when required.

The Clerk will be the Responsible Financial Officer and responsible for all financial records of the Council and the careful administration of its finances.

The Clerk will be the Data Protection Officer for the council and responsible for ensuring that the Council meets its responsibilities under the General Data Protection Regulation.

The Clerk is expected to supervise, train and allocate work to an Assistant Clerk or any other administrative staff appointed.

The Assistant Clerk is expected to have an understanding of these duties, be able to provide holiday/sickness cover (within the constrictions of their normal working hours) and to undertake tasks as set by the Clerk necessary to maintain the Council's records and administrate its business.

### **Specific Responsibilities of the Clerk and RFO**

1. To ensure that statutory and other provisions governing or affecting the running of the Council are observed.
2. To monitor and balance the Council's accounts and prepare records for audit purposes and VAT.
3. To ensure that the Council's obligations for Risk Assessment are properly met.
4. To prepare, in consultation with appropriate members, agendas for meetings of the Council and Committees. To attend such meetings and prepare minutes for approval other than where such duties have been delegated to another Officer.
5. To attend all meetings of the Council and all meetings of its committees and sub-committees other than where such duties have been delegated to another Officer.
6. To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence as a result of instructions or of the known policy of the Council.
7. To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met. To issue invoices on behalf of the Council for goods and services and to ensure payment is received.
8. To study reports and other data on activities of the Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Council.
9. To draw up both on his/her own initiative and as a result of suggestions by Councillors proposals for consideration by the Council and to advise on practicability and likely effects of specific courses of action.
10. To supervise any other members of staff as their line manager in keeping with the policies of the Council and to undertake all necessary activities in connection with the management of salaries, conditions of employment and work of other staff.

11. To monitor the implemented policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
12. To act as the representative of the Council as required.
13. To issue notices and prepare agendas and minutes for the Parish Meeting: to attend the assemblies of the Parish Meeting and to implement the decisions made at the assemblies that are agreed by the Council.
14. To prepare, in consultation with the Chairman, press releases about the activities of, or decisions of, the Council.
15. To attend training courses or seminars on the work and role of the Clerk as required by the Council.
16. To work towards the achievement of the status of Qualified Clerk as a minimum requirement for effectiveness in the position of Clerk to the Council.
17. To continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the Council: Suggested is membership of your professional body The Society of Local Council Clerks.
18. To attend the Conference of the National Association of Local Councils, Society of Local Council Clerks, and other relevant bodies, as a representative of the Council as required.

#### **Specific responsibilities of the Assistant Clerk**

1. To assist the Clerk & RFO in any duties as required to ensure the smooth administration of the Council's activities.
2. To manage and minute the Maintenance Committee meetings and quotations as required for the Committee to be effective. This includes a bi-monthly evening meeting.
3. To attend the monthly Council Meetings and Annual Parish Meeting in order to assist the Clerk and Council in its duties.
4. To continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the Council, eg: CILCA

## **RECRUITMENT POLICY**

The aim of this policy is to ensure that the council follows a carefully thought out and practical process to recruit the best candidates to fulfil each role, meeting all relevant legislation requirements and treating all applicants fairly and clearly. At all times the council must ensure that they adhere to the Equal Opportunities Policy adopted by the council.

### Planning and preparation

Before beginning the recruitment process, the council should:

Consider the needs of the organisation to identify what staff resource is required, including identified future needs.

Assess whether any of the aims of the job have changed and how this may affect factors such as the skills required and working patterns.

Compile documents for the vacancy, including job description; person specification; application form; letter templates; contract of employment; any other supporting documents as appropriate.

### Recruitment process

Vacancies will be advertised on the notice boards, website, Donyland Despatches newsletter and via the weekly e-bulletin initially.

Any person enquiring about the post will be supplied with an application pack including job description, person specification, application form, and a letter outlining the recruitment process with timescales.

Candidates will be shortlisted for interview against the person specification, and all applicants will receive written notification the outcome of their application, including those not shortlisted.

Candidates invited for interview will be asked whether they need any reasonable adjustments to be made.

A minimum of two persons will sit on the interview panel, which will normally comprise the Chairman of the Council, the Chairman of the Finance & Personnel Committee, and the Clerk if appropriate.

At the interview, candidates will be questioned using the same set criteria and questions. These will be formulated using the person specification for the role.

The panel will select the most suitable candidate for the position, based solely on the answers given to these questions and the information provided in their application form.

The successful applicant should be offered the post, pending any required reference checks and if accepted, a start date agreed. The contract of employment, and a copy of the staff handbook should be issued, signed and returned by the first day of their employment with the council.

All applicants should receive written notification the outcome of their interview.

The outcome of the recruitment process should be reported to the council at the next meeting.

## Induction

For all new staff, an induction checklist should be completed that covers the following:

- Welcome and show employee where they will be working
- Introduce them to their line manager, colleagues, councillors and other important contacts
- Tour of council facilities
- Key documentation issues e.g. P45, NI number, contract, terms and conditions, staff handbook, pension arrangements
- Outline health & safety
- Introduction to how the council works, key projects and future plans
- New employee's role – duties, responsibilities, working arrangements, how it fits in the organisation etc
- Reporting arrangements – timesheets, sickness, annual leave, who to contact regarding any issues
- Performance – what is expected and how performance is managed, including probation period
- Training needs and development opportunities

Induction checkpoint reviews should be held at one, three and six months to assess how the new starter is adjusting to the role, identify training and development needs, assess performance, and to set and adjust targets.

Where there is a probation period, the six month review should also be used to decide if the employee has successfully completed it. If this is the case, targets for the next six months should be set.

## **EQUAL OPPORTUNITIES POLICY**

### Introduction

At East Donyland Parish Council we believe in the importance of providing equal opportunities to potential and existing employees and we aim to employ committed and motivated people who will help us to deliver excellent customer services and enhance the reputation of the Council.

Our policy is that we will not discriminate against the people we employ, or those people seeking employment with us, on the grounds of gender, gender re-assignment, sexual orientation, marital status, race/ethnicity, nationality, religion/beliefs, disabilities or age.

This document sets out our policy for equal opportunities within employment in more detail and must be strictly adhered to by all who are responsible for the recruitment, management of and day-to-day interaction with potential and existing employees.

### Recruitment

In recruitment it is unlawful to discriminate by:

- Refusing to employ a person because of their gender, sexual orientation race/ethnicity, religion/beliefs, disabilities and/or age.
- Employing a person but on less favourable terms and conditions.
- Advertising in a discriminating fashion.
- Failing to promote, transfer or train because of a person's gender, sexual orientation, race/ethnicity, religion/beliefs, disabilities and/or age.

All vacancies must be advertised internally and externally concurrently. Advertisements which are placed externally should be aimed at and accessible to as many diverse communities as is practicably possible.

Every applicant for employment will be considered on the basis of their suitability for the position and ability to fulfil the requirements of the job. An applicant's gender, gender reassignment, sexual orientation, marital status, race/ethnicity, nationality, religion/beliefs, disabilities or age will not affect the decision of the recruitment panel.

The Council will liaise closely with the appropriate organisations on matters concerning applications from disabled applicants. We will consider reasonable adjustments and modifications to enable suitable applicants to carry out the duties of the post. Disability as defined by the Disability Discrimination Act 2005 is a person with a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Councillors and all other Officers responsible for the appointment of staff will make every effort to avoid discrimination and will seek advice in the avoidance of discriminatory and biased assessment from a trained Clerk or the EALC. Records of all interviews will be kept by the Clerk for a period of at least three months.

### Promotion and Training

Promotion will be based on ability and potential and all employees who apply for alternative (including higher graded) posts within the Council will be considered equally, objectively and without prejudice.

Councillors and Officers who are responsible for appraising employees will seek advice in the avoidance of discriminatory and biased assessment from a trained Clerk or the EALC.

The Council encourages all staff and Councillors to undertake further development opportunities relevant to their appointment. Opportunities to attend training courses will be provided to all employees and Councillors on an equal basis in accordance with the individual development needs that have been identified.

In the event of an employee becoming disabled either through injury or illness, the Council will make every effort to continue to employ that individual, either in the same or an equally suitable position. Arrangements for retraining the employee will be made where necessary.

#### Terms and Conditions of Service and Facilities

The Council will not discriminate on the basis of gender, gender reassignment, sexual orientation, marital status, race/ethnicity, nationality, religion/beliefs, disabilities or age in the provision of general employee facilities or benefits.

#### Monitoring

The Clerk & Chairman of the Finance & Personnel Committee will be responsible for monitoring the effectiveness of our equality and diversity policy in relation to employment.

All aspects of Human Resources policies and procedures shall be kept under review to ensure that they comply with the EDPC ethos of equal opportunities.

#### Review of Policy

This policy will be brought to the attention of every employee and will be reviewed at regular intervals by the Clerk & Finance & Personnel Committee Chairman.

#### Grievance

Employees who believe they have not been treated fairly within the scope of this policy should raise the matter through the Council's formal grievance procedure.

#### Discipline

All employees, Councillors and contractors of the Council are required to comply with this Equality and Diversity Policy and failure to do so may result in disciplinary action.



## **FLEXIBLE WORKING POLICY**

This policy aims to encourage staff to consider flexible working arrangements. The council recognises that a better work-life balance can improve motivation, performance and productivity, and reduce stress. Therefore the council wants to support its employees to achieve the right balance between work and their other priorities, and is committed to flexible working arrangements that can meet the needs and objectives of both the organisation and the employee.

### Types of flexible working

Flexible working arrangements that the council will consider include:

Flexitime – an agreed number of hours to be worked within an accounting period (e.g. 80 hours within 4 weeks), with agreed core times to be worked within that period (e.g. to cover the office opening hours). Employees may carry over an excess or deficit of hours to the next, subject to a maximum amount agreed by the council.

Home working – part of an employee's hours may be worked from home rather than council premises. This may be agreed as a regular arrangement or an occasional basis.

Overtime – where the council would benefit from an employee working hours in addition to their agreed contract, overtime hours may be agreed and paid at an agreed rate. This is voluntary and an employee can refuse overtime if they wish.

Other flexible arrangements which the council may consider if requested include annualised hours, compressed hours, job sharing and term time working.

### Needs of the organisation

The council is committed to providing appropriate working patterns; however employees and councillors need to be realistic and to recognise that not all flexible working options will be suitable for all roles. The following criteria need to be taken into consideration:

- The costs associated with the proposed arrangement
- The effect of the proposed arrangement on other staff
- The need for, and effect on, supervision
- The availability of staff resources
- Details of the tasks and workload specific to the role
- Health and safety issues
- Whether it is a request for a reasonable adjustment related to a disability

### Eligibility

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. An employee is entitled to submit one flexible working request in a 12 month period, and requests should be made in writing to the Chairman of the Finance & Personnel Committee.

### Process

On receipt of a flexible working request, the Chairman or Vice Chair of the Finance & Personnel Committee will usually seek a meeting with the individual to discuss the request and obtain more information about the proposed arrangement. This meeting should be held within 2 weeks of receipt of the request, but this time limit may be extended by agreement of both parties.

The Finance & Personnel Committee will then consider the proposed arrangements, looking at the potential benefits and adverse effects to both the employee and the council.

The employee will be informed in writing of the decision as soon as is practicable, within 2 weeks of the decision being made.

#### New working arrangements

Where new flexible working arrangements are introduced, a trial period may be agreed. The council will allow sufficient time for the practices to be implemented and trialled before taking final decisions on the viability of the arrangement.

Where a permanent change is agreed, a variation will need to be made to the employee's contract. A new contract should be prepared and signed within 28 days of the agreement.

## **STANDARDS OF CONDUCT**

Staff are expected to conduct themselves in a professional manner at all times, and to work to the best of their ability for the benefit of the council. The Nolan principles apply to employees as well as councillors, and can be summarised as follows:

- Selflessness: decisions should be based solely on the council's best interests
- Integrity: staff should not place themselves in a situation where an individual or organisation can influence them in their work for the council
- Objectivity: staff should act impartially, fairly and decisions should be based on merit
- Accountability: staff are accountable to the council as their employer
- Openness: actions and decisions should be open and transparent, and information not restricted unless clearly required by council policy or law
- Honesty: staff have a duty to declare any interests which might affect their work for the council
- Leadership: managers should promote and support these principles by leadership and example

### Appearance

Staff are expected to dress appropriately at all times in relation to their role and to ensure that their personal appearance is clean and tidy.

### EDPC premises

Staff will be issued with a key to EDPC facilities as needed. Loss of any keys must be reported to the Clerk or Chairman immediately.

Staff are responsible for any visitors to the office, and ensuring that they are appropriately monitored during their visit.

Staff must not remove EDPC property from the premises without prior authority from the Clerk or Chairman.

### Personal property

Any personal property left in the council office is done so entirely at your own risk. Staff are advised not to leave any valuables unattended and EDPC do not accept liability for any loss or damage to personal property.

### Telephone, computer, email and internet use

Staff should make themselves familiar with EDPC's IT Policy and adhere to it.

Company telephones should not be used for private purposes except in emergencies or with permission from the Clerk or Chairman.

IT facilities are provided for the sole purpose of carrying out work activities. Limited personal use of email facilities and the internet are permitted in the workplace provided that it does not interfere with performance or completion of work. Accessing, downloading or sending offensive, illegal, obscene material is not permitted and may constitute gross misconduct.

Staff must not download unauthorised software or store personal data on council laptops.

### Gifts

Staff may not accept gifts from suppliers, contractors or anyone else doing business with the parish council except where they are of minor value and are usually accepted business practice, e.g. a desk calendar. Gifts include money, goods, services, discounts and any other special considerations of value.

#### Bribery & corruption

It is a serious criminal offence to corruptly give or receive any gift, favour, reward or advantage to/from an individual or organisation in connection with the work of the council, or similarly to disfavour or disadvantage any individual or organisation.

#### Use of resources

The council serves the public and staff should remember this principle when using council equipment, materials and resources in order to ensure value for money.

#### Confidentiality

Staff must not divulge any confidential information gained during the course of their work regarding other employees, councillors, organisations, members of the public, or the business and operation of the council.

Staff must take care of files, papers etc and ensure that all documents are stored and secured appropriately in line with council policies and procedures.

## **STAFF DEVELOPMENT & PERFORMANCE MANAGEMENT POLICY**

Following completion of any induction and probation period, all staff will be participate in annual personal development reviews, to review progress and performance, identify areas for further development and discuss any other issues related to their employment.

This framework provides the council and employees with regular opportunities to give feedback and address any development needs. However, the council aims to foster a culture that welcomes and promotes feedback and development opportunities at all times. It is therefore important that any concerns regarding performance, working arrangements etc are addressed at the time they arise, and are not postponed until the formal review. The Chairman and Vice Chair of the Finance & Personnel Committee will act as the first point of contact for staff and councillors to highlight any issues that need to be addressed.

These issues should be resolved informally wherever possible, with clear, honest and open communication to identify what can be improved and how. Where performance management fails to resolve the issue, the discipline and grievance procedures should be used as appropriate, e.g. with regard to capability, misconduct, bullying or harassment.

### Staff Personal Development Reviews (PDRs)

#### *Why undertake staff development reviews?*

By reviewing performance and job progress, staff are able to prioritise, improve work planning and establish personal development and career plans. This should lead to improved working arrangements, increased job satisfaction, and appropriate staff training. Development review is therefore a continuous process, which also links to line management/supervision.

#### *Objectives of PDR*

- a) to review past performance and progress within a twelve month period on annual basis.
- b) to discuss employees' strengths and weaknesses – areas of development and strategies to achieve them.
- c) to discuss specific working arrangements and make any necessary changes to enable staff to do their jobs more effectively
- d) to discuss any barriers or problems and to look at solutions.
- e) to recognise personal achievements (performance that the employee is extremely pleased with)
- f) review last year's objectives (if applicable)
- g) to agree performance objectives (tasks/actions) for the next twelve months
- h) to identify training and development needs in relation to current job and future jobs.
- i) to increase staff motivation and improve communication

#### *The Process*

- a) Set a date, time and venue to include a time limit.
- b) The job description and supporting documents should be included and considered, also line management notes need to be considered. (Any changes or amendments to job description after appraisal to be considered by Finance & Personnel Committee for recommendation to Full Council)
- c) For the meeting, ensure comfortable surroundings, free from interruptions and distractions.

#### *Staff Review (employer)*

The person carrying out the appraisal should consider the following:

- a) What are the employee's main tasks and responsibilities?

- b) What evidence do I have to support my view of the employee's performance?
- c) What obstacles or problems may have hindered the employee and how might I be able to help in the future?
- d) Have I organised the work of staff in a logical and effective manner?
- e) What are the main objectives I wish to set for the future?
- f) Can I prioritise the objectives to assist in focussing efforts?
- g) What action and support is required to enable these objectives to be achieved within the agreed time scale?

*Self Review (employee)*

To ensure that these discussions are two-way, it is suggested that employees carry out their own review of their performance in the previous twelve months using the following areas as a guide:

- a) Do you feel your job description is relevant?
- b) Which aspects of your work do you feel especially pleased with?
- c) Which aspects of your job have not gone as well as you would have hoped?
- d) Are there any constraints or difficulties you are working under?
- e) In what ways would you hope to develop your experience and strengthen your expertise both in the coming year and in the long term?

The PDR process consists of three main stages. Each of these stages relates to different parts of the PDR documentation:

Stage 1	Preparation for the Review	Employee and employer each to complete individual preparation form (links to employee's job description)
Stage 2	PDR	Employee and employer bring individual preparation forms, and complete the PDR form together using these Tasks/Actions are set Learning and development plan discussed – link to priority: <ul style="list-style-type: none"> <li>• Priority 1 – Statutory requirement or essential for effective performance in post</li> <li>• Priority 2 – Desirable for enhanced performance in current post.</li> <li>• Priority 3 – Requested for future professional development</li> </ul>
Stage 3	Completed PDR form	Copy is given to employee Original is filed in staff personnel folder Learning and development plan to be agreed at Finance & Personnel Committee (original filed in staff personnel folder and a copy given to employee)

## DISCIPLINARY PROCEDURE

### INTRODUCTION

EDPC's aim is to encourage improvement in individual conduct and performance. This procedure sets out the action which will be taken when a member of staff fails to meet the council's standards of conduct and provides a fair, effective and consistent method of dealing with disciplinary matters. The following information is the NALC model template as updated in November 2019.

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. [https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)  
The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
  - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
  - the Council will fully investigate the facts of each case
  - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
  - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
  - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
  - the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
  - if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within

five working days of the original meeting date unless it is unreasonable not to propose a later date

- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties



### **Examples of misconduct**

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
- unauthorised absence
  - poor timekeeping
  - misuse of the Council's resources and facilities including telephone, email and internet
  - inappropriate behaviour
  - refusal to follow reasonable instructions
  - breach of health and safety rules.

### **Examples of gross misconduct**

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
- bullying, discrimination and harassment
  - incapacity at work because of alcohol or drugs
  - violent behaviour
  - fraud or theft
  - gross negligence
  - gross insubordination
  - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
  - serious and deliberate damage to property
  - use of the internet or email to access pornographic, obscene or offensive material
  - disclosure of confidential information.

### **Suspension**

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.
- 8 The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

### **Examples of unsatisfactory work performance**

9 The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.

- inadequate application of management instructions/office procedures
- inadequate IT skills
- unsatisfactory management of staff
- unsatisfactory communication skills.

### **The Procedure**

10 Preliminary enquiries\_ The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

11 Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

### **Disciplinary investigation**

12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.

13 If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor

misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).

- 15 The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 17 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
  - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
  - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **The disciplinary meeting**

- 22 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors, to formally hear the allegations. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.

23 No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- the names of its Chairman and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
  - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
  - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chairman will invite the employee to present their account
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up

24 The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.

25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

### **Disciplinary action**

26 If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

### **Final written warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

### **Dismissal**

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

- 27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

### **The appeal**

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

- 29 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
  - the sub-committee's disciplinary decision was not supported by the evidence
  - the disciplinary action was too severe in the circumstances of the case
  - new evidence has come to light since the disciplinary meeting.
- 30 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- 32 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
  - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

## GRIEVANCE PROCEDURE

This policy is the NALC model template policy, that was updated in November 2019

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
  - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
  - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
  - any changes to specified time limits must be agreed by the employee and the Council
  - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
  - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
  - audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
  - if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
  - if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith

- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of [[ ] council] who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

#### **Informal grievance procedure**

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

#### **Formal grievance procedure**

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.



6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

### **Investigation**

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

### **Notification**

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
  - the names of its Chairman and other members
  - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
  - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
  - a copy of the Council's grievance policy
  - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
  - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
  - findings of the investigation if there has been an investigation
  - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

### **The grievance meeting**

10. At the grievance meeting:
  - the Chairman will introduce the members of the sub-committee to the employee
  - the employee (or companion) will set out the grievance and present the evidence
  - the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
  - any member of the sub-committee and the employee (or the companion) may question any witness
  - the employee (or companion) will have the opportunity to sum up the case

- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

### **The appeal**

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, e.g.:
  - a failure by the Council to follow its grievance policy
  - the decision was not supported by the evidence
  - the action proposed by the sub-committee was inadequate/inappropriate
  - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
  - introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
  - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.

## **BULLYING AND HARASSMENT POLICY**

East Donyland Parish Council is committed to provide an environment free from harassment and hostility and will not tolerate bullying and harassment of any kind, whether it be aimed at the public by employees or councillors, or at employees or Councillors by each other or members of the public.

### Definitions

Bullying is defined by the council as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The Equality Act 2010 defines the protected characteristics as:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Examples of unacceptable bullying behaviour include:

- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances
- Making threats or comments about job security without foundation
- Deliberate undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

Bullying and harassment are not necessarily face to face, they may be by written communication, images, emails, phone etc.

### Procedure

Incidences of bullying and harassment will be dealt with through the council's grievance and disciplinary procedures. Staff should report any incidents to the Clerk or Chairman of the Finance & Personnel Committee who will activate the procedure.

Reports of bullying or harassment will be dealt with promptly and in a fair, confidential and sensitive manner. The Council may decide to investigate potentially offensive behaviour of their own volition even when a member of staff has not made a formal complaint of such behaviour.

### Outcomes

Where the decision maker decides the behaviour is not harassment, bullying or discrimination feedback should be given to the complainant as to why this decision was made.

Where the decision maker decides the behaviour is harassment, bullying and/or discrimination, they may:

- Take disciplinary action against a Councillor or employee
- Recommend to the council an employee is suspended
- Write to a member of the public saying their behaviour is unacceptable and asking them
  - Not to attend the council office in future
  - That all communication with the council should go through the chairman rather than employees
- Any other action deemed appropriate
- Recommend to the council a member of the public is excluded from council meetings
- Apply for an order to give legal force to any of the above

Where the decision maker decides illegal harassment has taken place in breach of the Criminal Justice and Public Order Act 1994 or the Protection from Harassment Act 1997 the matter should, with the complainant's permission, be referred to the police.

## **ALCOHOL & DRUG POLICY**

This is a policy designed to help protect workers from the dangers of alcohol, drug and other substance abuse and to encourage those with an alcohol or drugs problem to seek help. The policy applies to everyone in the organisation.

The rules:

- Employees may not be under the influence of alcohol while at work and are not permitted to consume alcohol while working.
- Employees may use prescribed medication and over the counter medication as appropriate to treat a health condition while at work provided that it does not impair their performance. No other drugs or substances may be consumed and employees must not work while under the influence of drugs.
- Alcohol consumption and drug misuse may be treated as gross misconduct and lead to termination of employment.

The rules on alcohol and drugs at work will apply to any contractors visiting the organisation.

EDPC recognise that an alcohol or drugs problem may be an illness to be treated in the same way as any other illness. In instances of misconduct where a drugs or alcohol problem is a factor the council may agree to suspend disciplinary action, on condition that the employee concerned follows a suitable course of action. Where gross misconduct is involved, any alcohol or drugs problem may be taken into account in determining disciplinary action.

## **WHISTLEBLOWING POLICY**

Whistleblowing is reporting certain types of wrongdoing in the workplace. The wrongdoing disclosed must be in the public interest; examples include:

- A criminal offence e.g. fraud
- Someone's health or safety is in danger
- Risk or actual damage to the environment
- A miscarriage of justice
- The council is breaking the law e.g. doesn't have the right insurance

Personal grievances (e.g. bullying, harassment, discrimination) aren't generally covered by whistleblowing law and should be addressed using the council's grievance procedure.

Staff can report wrongdoing that has already happened, is currently happening or they believe will happen in the near future. Incidents should be reported to the Clerk, Chairman of the Council, or to the CBC Monitoring Officer as appropriate, dependent on the individuals believed to be involved.