Stratfield Mortimer Parish Council Personnel Policy

Introduction

1 This is the Personnel Policy of Stratfield Mortimer Parish Council and it, and the Protocols listed below, adopt the definitions in the Council's Policy Guidance and Glossary.

2 This Policy has a number of Protocols, some of which were previously held as separate Council Policies:

- Appendix 1 - Health and Safety Protocol;
- Appendix 2 - Training and Development Protocol;
- Appendix 3 - Expenses and Reimbursement Protocol;
- Appendix 4 - Dignity at Work Protocol;
- Appendix 5 - Disciplinary Protocol;
- Appendix 6 - Equal Opportunities Protocol;
- Appendix 7 - Grievance Protocol;
- Appendix 8 - Performance Management Protocol;
- Appendix 9 - Sickness and Absence Protocol;
- Appendix 10 - Investigation Protocol;
- Appendix 11 - Appeal Protocol.

Application

3 It should be noted that, in addition to applying to Officers, certain Protocols will apply to Members, volunteers and/or the way in which the Council will interact with members of the public.

4 A reference in an Officer's contract of employment with the Council to a Personnel Policy is to be read as a reference to this Policy and the relevant Protocol(s).

5 In this Policy:

- "ACAS" means the Advisory, Conciliation and Arbitration Service;
- "Companion" means a workplace colleague, friend, trade union representative, or trade union official;
- "Council" may refer to the Council or the Personnel Sub-Committee or an Officer's line manager, as the context requires;
- "Decision" means a decision made by the Council in respect of a Matter;
- "Matter" means an allegation of misconduct or poor performance, or a grievance.

6 The Council will make this Policy available:

- to all Officers as part of their induction;
- to all Councillors as part of their Welcome Pack; and
- to the public via the Website.

Whistleblowing

7 The Council is committed to the highest standards of openness and accountability:

7.1 Officers, Members and anyone else interacting with the Council are encouraged to report any concerns about wrongdoing, fraud, corruption, health and safety risks, or other serious malpractice;

7.2 in the first instance, concerns should be raised in confidence with the Clerk or the Council Chairman as deemed appropriate;

7.3 all reports will be treated seriously and investigated appropriately; and

7.4 no one will suffer detriment for raising a genuine concern.

8 Measures within the Public Interest Disclosure Act 1988 relevant to whistleblowing will be complied with.

Appendix 1 - Health and Safety Protocol

Introduction

1 Health and Safety is everyone's responsibility.

2 In accordance with the Health and Safety at Work Act 1974 ("the 1974 Act") and the Management of Health and Safety at Work Regulations 1999 ("the Regulations"), the Council accepts its duty to provide and maintain safe and healthy working conditions for Councillors, Officers and volunteers.

3 The Council acknowledges its obligations under the Occupiers Liability Act 1984 ("the 1984 Act") in respect of visitors to its premises as defined in that Act.

4 The Council's policy is to provide and maintain safe and healthy working conditions, equipment, and systems of work for all Officers and volunteers, and to provide such information, instruction, training and supervision as they need for this purpose.

Responsibilities

5 The Council shall take all reasonable steps to ensure that it complies with the 1974 and 1984 Acts, the Regulations and any other relevant legislation, codes of practice, guidance, etc, and take all reasonable steps to ensure that:

5.1 information, instruction, training, supervision, equipment and facilities necessary to achieve safe working are provided;

5.2 relevant activities are undertaken in ways that health and safety risks are minimised; and

5.3 arrangements are in place for the safe use, handling, storage and disposal of all substances and equipment.

6 The Clerk is responsible for:

6.1 the day-to-day management of health and safety in accordance with this Protocol;

6.2 ensuring that appropriate training is available to Councillors, Officers and volunteers;

6.3 health and safety in relation to the parish office ("the Office") within Mortimer Library ("the Library").

7 The Parish Custodian is responsible for reporting to the Clerk any matter that may affect the health and safety of those working on land owned or controlled by the Council, as listed in the Estate Management Committee Terms of Reference ("Land") and below:

- the Fairground and Fairground Car Park;
- the Parish Cemetery;
- the West End Road Car Park;
- the Pillbox;
- the Hammonds Heath War Memorial;
- the Pound and Heath Elm Pond;
- Five Oaken Common;
- Windmill Common;

- Brewery Common;
- Summerlug;
- the Mortimer to Burghfield Footpath and Cycleway;
- the Defibrillator Phone Box.

8 All Councillors, Officers and volunteers have a duty to work safely and not put others at risk.

Risk Assessments

9 The Council, through the Clerk, shall regularly identify, assess, and mitigate health and safety risks associated with its activities and facilities.

10 Relevant risk assessments will be documented and updated as necessary.

11 Regular inspections and audits shall be conducted to identify hazards and ensure compliance with this Protocol.

Reporting

12 If any Councillor, Officer or volunteer identifies a health and safety risk falling within the ambit of this Protocol that they cannot immediately rectify they must report it to the Clerk (and, where relevant, the Parish Custodian).

13 All relevant incidents must be reported in the first instance to the Clerk and recorded as appropriate in the circumstances.

14 In the event of a serious injury or dangerous occurrence, the Council Chairman, or in their absence the Council Vice Chairman, should be informed immediately.

Risks and Procedures

General

15 First Aid

- a first aid box is located in the Office.

16 Fire Safety

- fire extinguishers are available in the Library and are maintained annually by West Berkshire Council ("WBC");
- the fire alarm system at the Library is tested weekly by the Librarian and fire drills held in accordance with WBC procedures;
- electrical appliances within the Library are regularly inspected for safety by WBC;
- fire exits shall be kept free from obstructions;
- notices shall be displayed giving directions for the evacuation of buildings in the event of fire.

17 Personal Safety

- in the event that Officers are in a lone working situation at the Office or elsewhere, all doors should be kept locked;

- when lone working away from normal place of work, Officers should carry a mobile phone at all times;
- Councillors and Officers should ensure that someone knows where they are going if on non-routine Council business and when expected back;
- when lone working, all meetings with members of the public should be by appointment only, held at the Office where possible, and the Council Chairman and Clerk should be made aware of the appointment;
- any instance of abuse by a member of the public should be reported to the Clerk or Council Chairman as appropriate.

Parish office

18 Heating, lighting and ventilation

- the Office temperature must reach a minimum of 16◦C by the end of the first hour of working time and be maintained at or above 16◦C throughout the working day;
- free standing heaters must not be used unless specifically authorised, in which event they must not be left unattended, the area around them must be kept clear of any paper or other flammable materials, they must be sited away from desks and chairs, and must be switched off at the wall when not in use;
- desks should be placed to gain the maximum amount of light - free-standing desk lights should be avoided or placed so as to minimise the danger of trailing electrical leads.

19 Electrical equipment

- all electrical equipment (including the electrical cabinets on the Fairground) shall be maintained in accordance with the Electricity at Work Regulations 1989;
- it is important that the correct socket outlet and plug top face (where these are available) is used for each item of electrical equipment;
- fuses must be fitted to all electrical appliance plugs to suit the current load of the equipment being used (when in doubt, do not guess - seek qualified advice);
- only electrical equipment provided by the Council should be used and electric points must not be overloaded by means of multi-adaptors;
- all electrical equipment should be switched off when not in use.
- care must be taken to avoid electrical leads being a trip hazard;
- extension leads must only be used for temporary purposes and should not exceed 3 metres in length;
- defective equipment must never be used;
- no-one should attempt to effect repairs to electrical equipment unless competent to do so.

20 Furniture, fittings and equipment

- heavy equipment and furniture must not be moved by lone individuals;
- office equipment must not be used unless the individual is authorised and trained in its use as necessary;

- filing cabinets:
- should always have sufficient weight in the bottom drawer to prevent the cabinet from tipping when a full top drawer is opened;
- must always be closed immediately after use;
- should be inspected at least every six months to ensure correct loading and smoothness of operation, with particular regard to the effectiveness of the drawer stops;
- must not be used if damaged or defective;
- high shelves should only be reached through the use of steps provided for that purpose.

21 Fire precautions

- all Officers must be fully conversant with the "Fire Action" system displayed in the offices;
- exits must be kept clear at all times;
- flammable materials may only be stored in a fire-resistant structure or container (such as a metal cupboard or bin) and clearly marked as flammable;
- wastepaper bins must be of metal construction and emptied regularly.

Grounds Maintenance

22 Only contractors or authorised Officers who have received training and instruction in the operation of particular machinery and equipment may use or operate such, and:

- all dangerous moving parts of machinery must be guarded - guards must not be removed except for the purpose of repair and maintenance and all machinery must comply with statutory regulations for guarding and use;
- the engines of any motorised equipment must be stopped before any inspection or adjustment is carried out (in the case of electrically operated machines the plug lead must be disconnected);
- all necessary care must be taken if the public, and especially children, are present in an area where machinery is in use;
- machinery must not be left unattended where the public might interfere with it;
- stones and similar objects must be cleared from the path of equipment to prevent such objects being projected from machinery;
- fuel tanks must only be filled in the open, with the engine stopped - no risk of naked flames, or smoking is allowed in the vicinity of a fuel tank or storage can, and fuel may only be stored in a safety can of a type approved and in a designated store;
- the manufacturer’s instructions regarding the safe use of chemicals must be adhered to;
- appropriate protective clothing such as gloves, overalls, face masks, boots, etc must be used when operating machinery and/or using chemicals (including herbicides and pesticides);

- ladders and stepladders must be in good condition and free from defects and securely positioned at all times when in use.

23 Pathways on the Land shall be inspected at least annually.

Appendix 2 - Training and Development Protocol

Introduction

1 The Council is committed to ensure that it fulfils its duties and responsibilities to the residents of the Parish in a professional manner.

2 It is the Council's intention that Councillors, Officers and Volunteers are suitably equipped with the relevant knowledge and skills to carry out their roles, maintain effective working practices, and keep up to date with relevant legislation.

3 The Council will procure or provide such training and development opportunities as it deems necessary for the delivery of its work and achievement of its objectives.

Commitment to Training and Development

4 As one of its most important resources, the Council recognises that Councillor and Officer development is an integral part of Council business. It is committed to encouraging the enhancement of their knowledge and qualifications through appropriate training and development.

5 The Council expects its Officers to undertake a programme of continuing professional development (CPD) in line with their role and the requirements of their professional bodies.

6 Volunteers will be briefed on health and safety, and other training requirements, as appropriate.

Resourcing Training and Development

7 An allocation will be made in the annual budget to enable training and development relevant to the duties of Councillors and Officers, and the needs of the Council.

8 The Council will allocate a budget for the payment of subscriptions to the Society of Local Council Clerks (SLCC), Berkshire County Association of Local Councils (BALC) (or equivalent) and the National Association of Local Councils (NALC).

9 The purchase of other relevant resources, such as publications, will be considered on an ongoing basis.

10 Where necessary, the Council will seek to provide a wide variety of learning and training methods, including:

- attendance at conferences, seminars and short courses;
- online training;
- internal coaching;
- shared in-house learning resources (books, journals, DVDs, etc);
- in-house training;
- work shadowing;
- time for self-directed research and learning.

Training and Development Needs

11 Training and development needs will be identified from a variety of sources, including:

- induction and probationary periods;
- self-assessment;
- appraisal;
- workforce planning;
- team meetings;
- action plans;
- legislative requirements, eg first aid, fire safety, manual handling;
- changes in legalisation;
- new or reviewed qualifications becoming available;
- professional publications, newsletters, etc;
- new working methods or practices;
- complaints to the Council;
- requests from Councillors or Officers;
- devolved services/delivery of new services;
- procurement exercises.

Induction and Minimum Training

Councillors

12 As a minimum, Councillors will be provided with (as documents, or email attachments, or a link to electronic versions):

- a Declaration of Acceptance of Office form for completion;
- a Register of Members' Interests (ROI) form for completion (with guidelines);
- a Contact Details Form for completion;
- a data protection privacy notice;
- guidance relating to email requirements and data protection;
- a map of the parish;
- a calendar of meeting dates;
- all of the Council's policies, but in particular the Standing Orders, Code of Conduct, Committee Terms of Reference, Financial Regulations and current Budget;
- 'The Good Councillor's Guide' and 'The Good Councillor's Guide to Finance & Transparency';
- login details to BALC and NALC systems.

13 It is expected that new Councillors will undertake 'Knowledge and Core Skills Training for New Councillors' (or its equivalent) provided by the Hampshire Association of Local Councils on behalf of BALC.

Officers

14 As a minimum, Officers will be provided with (as documents, or email attachments, or a link to electronic versions):

- copies of relevant documents including Standing Orders, Financial Regulations, Committee Terms of Reference and current budget;
- all other relevant the Council documents;
- the current version of 'Local Council Administration' by Charles Arnold Baker and other relevant publications (any such publications will remain the property of the Council).

15 Officers will receive training relevant to the proficient discharge of their duties, including:

- attendance at relevant training courses and/or local meetings of external bodies such as SLCC and BALC;
- training relevant to any requirement for CPD in accordance with 2.2;
- subscriptions to relevant publications and advice services;
- mentoring opportunities with suitably qualified clerks from neighbouring parishes;
- regular feedback from the Chairman of Council on their performance;
- support from the Chairman and Vice-Chairman of Council, and Chairmen of Committees, as necessary.

16 The Parish Custodian will also be provided with:

- briefings on relevant health and safety matters and the scope of their work prior to starting;
- an assessment of their skill, knowledge and capacity to complete the task in hand including risk assessments;
- briefings on the safe use of any equipment provided by the Council.

17 It should be noted that, as a condition of employment:

- the Clerk is required to have a qualification entitling the Council to have the General Power of Competence ((eg the Certificate in Local Council Administration (CiLCA)), or gain it within an agreed period of commencing their employment;
- the Parish Custodian is required to undertake RoSPA training regarding the inspections and management of play areas within 6 months of appointment.

Volunteers on Parish Council Business

18 Volunteers will be provided with:

- briefings on relevant health and safety matters and the scope of their work prior to starting;
- assessments of their skill, knowledge and capacity to complete the task in hand including risk assessments;

- briefings on the safe use of any equipment provided by the Council.

19 Training for volunteers will not be beyond that which is necessary for their role.

Guidance for Support

20 All training and development must be appropriate to the needs of the Council and/or be relevant to the individual's role.

21 Training and development is subject to the availability of financial resources.

22 Support for qualifications, training and personal development can include financial assistance towards the cost of tuition, examinations and resource materials and travel to and from a venue, noting that:

- where practical and possible, if there is more than one attendee from the Council, car-pooling or shared travel arrangements should be made; and
- any financial and non-financial support to training and development is entirely at the discretion of the Council.

23 The Council reserves the right to reclaim financial support where the Officer:

- leaves their employment during the course or within one year of its conclusion;
- fails to complete or attend training without good reason.

Study Leave

24 Study leave must be approved in advance by the individual's line manager.

25 References to Study Leave below are to, at the sole option of the Council, either (a) paid study leave outside normal working hours, or (b) study leave to be taken within normal working hours, or (c) a combination of the two.

26 Where Officers require leave to undertake the specified courses below they will be permitted to take the leave indicated:

26.1 Introduction to Local Council Administration (ILCA), or Financial Introduction to Local Council Administration (FILCA), or ILCA to FILCA: 10 hours of Study Leave (per qualification);

26.2 Certificate in Local Council Administration (CiLCA):

26.2.1 in respect of attendance at training sessions: 21 hours of Study Leave;

26.2.2 in respect of preparing and submitting a portfolio: 50 hours of Study Leave.

27 Where Officers require leave to undertake other agreed qualifications or training (eg CPD in respect of existing qualifications), they will be able to take Study Leave:

27.1 as necessary for any training or qualification that the Council has deemed mandatory for their employment;

27.2 as half of the study leave required for any other agreed training or qualification, up to a maximum of 15 hours per leave year (1 April to 31 March).

28 In any other circumstances, the individual's line manager may agree to a request for flexible working to allow study to take place, provided always that the needs of the Council can be met.

Evaluating and Monitoring Training Undertaken

29 All training undertaken will be evaluated by the Council to gauge its relevance, content and effectiveness.

30 The Clerk will maintain a record of training attended by Councillors and Officers.

Appendix 3 - Expenses and Reimbursement Protocol

Introduction

1 It is the policy of the Council to pay expenses incurred by its Officers and Councillors in performing the duties required by the Council. The aim of this Protocol is to ensure that necessary expenses incurred by Officers and Councillors are paid in a fair and timely manner and to ensure that costs and expenses are controlled by the Parish Council.

2 This Protocol also allows for the Clerk, in accordance with their authority to spend as set out in the Financial Regulations, to authorise an Officer or Councillor to purchase goods or services on behalf of the Council and claim reimbursement.

Authorisation

3 Before expenses are incurred, whether by Officers or Councillors, the authorisation of the Clerk, or in the case of the Clerk's own expenses, the Chairman or Vice-Chairman, must be obtained. However, this is not necessary for amounts up to £50, provided the expenditure complies with the requirements of this Protocol.

4 Expenses incurred without the required authorisation will not be paid.

Method of travel

5 Travel should be undertaken by the most cost-effective and environmentally friendly mode of transport taking into account journey time and the nature of the journey, as well as monetary cost (for example, car-sharing where possible).

6 Public transport is preferred where practical and cost-effective. All rail travel should be by the cheapest standard-class fare available. Taxis may only be used when essential.

7 Travel by car will be paid at HMRC "Officer vehicles: Mileage Allowance Payments" rates and reasonable parking costs will be paid.

8 Where an Officer uses their own vehicle, they should ensure that the vehicle is in good working order, insured for business use, taxed and with a valid MOT. Councillors using their own vehicle must ensure that the vehicle is in good working order, insured, taxed and with a valid MOT. If these standards are not met, expenses will not be paid.

Subsistence

9 Claims may be made for the costs of meals and non-alcoholic beverages reasonably purchased when travelling on Council business where the Officer or Councillor is away from home for longer than 5 hours and where food and drink is not otherwise provided.

Claiming Expenses

10 All expense claims must be submitted on the Council's Expense Claim form with receipts attached as appropriate. Expense Claim forms are available from the Clerk.

11 All claims must provide full details of amounts claimed and the reason each expense was incurred.

12 In respect of car travel, expense claims must show where journeys commenced and ceased, and the number of miles travelled.

13 Sundry expenses such as stationery and supplies must be itemised and include the reasons the expenses were incurred.

14 The completed and signed form, with all original receipts attached, should be given or sent electronically to the Clerk for review and processing. The Clerk (or other designated officer) will scrutinise all claims submitted for approval.

15 Claims must be submitted within three months of expenses being incurred.

Claiming Reimbursement

16 Where the Clerk, in accordance with their authority to spend as set out in the Financial Regulations, has authorised an Officer or Councillor to purchase goods or services and claim reimbursement, that individual should complete a Reimbursement Claim form with receipts attached as appropriate. Reimbursement Claim forms are available from the Clerk.

Payment

17 Approved Reimbursement Claims may be paid in accordance with the Financial Regulations and reported to F&GP and the Council in the same manner as other payments authorised by the Clerk.

18 Approved Expense Claims will be presented at the next Council meeting where approval for payment will be sought - where expenses are not considered to be reasonable and necessary, the Council may approve partial repayment or refuse repayment.

Abuse of this Protocol

19 Any abuse in the application of this Protocol by Officers will be dealt with under the Disciplinary Protocol.

20 Any abuse in the application of this Protocol by Councillors will be dealt with under the Councillors' Code of Conduct.

21 Deliberate falsification of a claim or the evidence needed to make a claim will constitute gross misconduct. Falsification includes the failure to pass on any discount obtained while incurring an expense. Where this is considered serious, this may be referred to the police.

Appendix 4 – Dignity at Work Protocol

Introduction

1 The Council will not tolerate unacceptable behaviour (as set out below) by, or to, any of their Officers, Members, contractors, volunteers, visitors, or members of the public interacting with the Council.

2 The Council is committed to the elimination of any form of intimidation in the workplace.

3 This Protocol reflects the spirit in which the Council intends to undertake all its business, and outlines the specific procedures available to all individuals to protect them from unacceptable behaviour.

Unacceptable Behaviour

Definitions of bullying and harassment

4 The definitions below are derived from the ACAS guidance on the topic and the Council adopts those definitions.

5 Bullying and harassment are behaviours which are unwanted by the recipient, and:

5.1 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;

5.2 harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment - this Protocol 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;

5.3 bullying and/or harassment may occur face-to-face, in meetings, through written communications including email, by telephone, or through automatic supervision methods – they may occur on or off work premises, and any time;

5.4 bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance/turnover, sickness absence, lack of respect for others, damage to the Council's reputation and, ultimately, an Employment Tribunal or other court case and payment of compensation.

Examples of unacceptable behaviour (this list is not exhaustive)

6 Bullying and/or harassment as defined above.

7 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.

Statute

8 Councils have a duty of care towards all their workers, and liability under common law and arising out of the Employment Rights Act 1996, 2010 Act, and the Health and Safety at Work Act 1974.

9 In addition:

9.1 the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 provide a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim;

9.2 a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for any reason related to a protected characteristic.

Responsibilities

10 Everyone has 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, anyone can challenge the perpetrator and ask them to stop.

11 The Council will ensure that its Members and Officers are trained in the processes required by this Protocol as deemed appropriate.

Process for dealing with complaints of unacceptable behaviour

Informal approach

12 This Protocol does not seek to be prescriptive as to how an individual complaining about what they perceive to be unacceptable behaviour might seek to resolve matters:

12.1 they might 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 causing concern;

12.2 alternatively they may raise a complaint, confidentially and informally, with the Council Chairman (or another Councillor if more appropriate), who should seek to see if the issue can be resolved without invoking the formal process.

Formal process

13 If the informal approach has failed, or is inappropriate, where the individual accused of unacceptable behaviour is:

13.1 an Officer, where the complainant is:

13.1.1 another Officer or a Member, the Disciplinary Protocol or the Grievance Protocol should be invoked as appropriate;

13.1.2 a member of the public, the procedure in the Complaints Policy should be invoked;

13.2 a Member, the procedure for breaches of the Code of Conduct should be invoked.

Outcome

14 Following the Formal Process outlined above, if the individual in question has been found to have behaved in breach of this Protocol:

14.1 for an Officer this will normally be treated as Serious or Gross Misconduct and the outcome determined in accordance with the Disciplinary Protocol;

14.2 for a Member:

14.2.1 counselling or training in appropriate skill areas (for example interpersonal communication, assertiveness, and/or chairmanship), may be more appropriate than a penalty;

14.2.2 the range of disciplinary sanctions available to the Council include (this list is not exhaustive):

- admonishment and an undertaking not to repeat the process;
- removal of opportunities to further harass/bully;
- banning from Committees and/or representation on Outside Bodies; and
- referral to the West Berkshire Council's Monitoring Officer and/or Governance Committee by the Council and/or the alleged victim.

15 As set out above, in extreme cases unacceptable behaviour may constitute a criminal offence and the Council may refer matters to the police and/or take appropriate legal advice.

16 False or malicious allegations of harassment or bullying which damage the reputation of a fellow Officer/Member will not be tolerated and will be dealt with as Serious Misconduct under the Disciplinary Procedure and/or a referral as above.

Useful contacts

- ACAS www.acas.org.uk Tel: 0845 7 47 47 47
- Standards Board for England www.standardsboard.co.uk or Tel: 0845 078 8181
- Local Government Ombudsman for Wales www.ombudsman-wales.org.uk Tel: 01656 641 150
- Andrea Adams Trust, a charity committed to tackling workplace bullying in the UK www.andreaadamstrust.org or Tel: 01273 704 900
- SLCC www.slcc.co.uk Advisory Note 24

Appendix 5 - Disciplinary Protocol

Introduction

1 This Protocol is based on, and complies with, the 2015 ACAS Code of Practice and takes account of the ACAS guide on discipline and grievances at work.

2 This Protocol is designed to help Officers improve unsatisfactory conduct and performance in their role.

3 Wherever possible, the Council will try to resolve its concerns about Officers' behaviour informally, without starting the formal procedure set out below.

4 This Protocol will be applied fairly, consistently and in accordance with the 2010 Act.

5 The Council recognises that misconduct and unsatisfactory work performance are different issues (but this Protocol will apply if efforts to resolve unsatisfactory work performance cannot be resolved in accordance with the Performance Management Protocol).

Misconduct

Definitions

6 Misconduct is Officer behaviour that could lead to the Council taking disciplinary action.

7 Minor Misconduct is misconduct that could lead to a warning, for example first instances of:

- unauthorised absence;
- poor timekeeping;
- misuse of the Council's resources and facilities including telephone, email, and internet.

8 Serious Misconduct is Officer behaviour that could lead to a written or final written warning, for example:

- a repeated instance of Minor Misconduct;
- inappropriate behaviour;
- refusal to follow reasonable instructions;
- breach of health and safety rules.

9 Gross Misconduct is Officer behaviour that is so serious that it is likely to lead to dismissal without notice, for example:

- a repeated instance of Serious Misconduct;
- bullying, discrimination and harassment;
- incapacity at work because of alcohol or drugs;
- violent behaviour;
- fraud or theft;
- gross negligence;

- gross insubordination;
- serious breaches of health and safety rules;
- deliberate damage to property;
- use of the internet or email to access pornographic, obscene, or offensive material;
- disclosure of confidential information;
- criminal behaviour;
- bringing the Council into disrepute.

Council response

10 An initial instance of Minor Misconduct should be dealt with informally by the Officer's line manager.

11 Instances of Serious or Gross Misconduct should be dealt with formally in accordance with the Disciplinary Procedure below.

General

12 Information about a Matter will be restricted to those involved in the disciplinary process, and any record of disciplinary action taken by the Council will be confidential to the Officer - the Officer's disciplinary records will be held by the Council in accordance with the Data Protection Legislation.

13 Recordings of the proceedings at any stage of the Disciplinary Procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an Officer's medical condition.

14 If an Officer who is already subject to the Council's Disciplinary Procedure raises a Grievance, that Grievance will normally be considered after the completion of the Disciplinary Procedure.

15 Disciplinary action taken by the Council can include an oral warning, written warning, final written warning, or dismissal.

16 Except for Gross Misconduct - where an Officer may be dismissed without notice - the Council will not dismiss an Officer on the first occasion that it decides there has been misconduct.

17 If an Officer 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 and the Council will write to the Officer to confirm any period of suspension and the reasons for it.

Disciplinary Procedure

18 The Personnel Sub-Committee will conduct/control any formal Disciplinary Procedure.

19 The Personnel Sub-Committee should meet as soon as possible after any Disciplinary Matter is referred to it, and may decide that:

19.1 there is no case to answer and the Matter can be closed;

19.2 there can be an immediate Decision as to a disciplinary action (see Outcome Part below);

19.3 an Investigation is required, in which event the Investigation Protocol will be invoked;

19.4 the Matter should proceed immediately to a Disciplinary Meeting.

Investigation

20 As above, the Personnel Sub-Committee may invoke the Investigation Protocol, in which event the Investigator's Report should recommend either that:

20.1 the Individual has no case to answer and there should no further action under the Disciplinary Procedure;

20.2 the Matter is not serious enough to justify further use of the Disciplinary Procedure and can be dealt with informally; or

20.3 there should be a Decision as to disciplinary action.

21 Upon receipt of the Report, the Personnel Sub-Committee may decide:

21.1 to take no further action;

21.2 to recommend/note an informal resolution;

21.3 to proceed to a Disciplinary Meeting;

21.4 that a Decision as to disciplinary action can be taken immediately.

Disciplinary Meeting

22 Where the Personnel Sub-Committee decides that a Disciplinary Meeting is required, it should:

22.1 appoint a panel ("Disciplinary Panel") of three Councillors who have not previously been involved in the Matter;

22.2 call a meeting ("Disciplinary Meeting") to be held after a minimum of 10 working days following, and within 20 working days of, its decision to hold such; and

22.3 issue a written notice for the Disciplinary Meeting to the Individual containing (at least):

22.3.1 the date, time and location of the Disciplinary Meeting;

22.3.2 details of the Matter;

22.3.3 the names of any witnesses the Council intends to call, which shall include the Investigator if there has been an Investigation;

22.3.4 details of any evidence the Council intends to refer to;

22.3.5 notice that the Individual may be accompanied to, and/or represented at, the Disciplinary Meeting by a Companion;

22.3.6 notice that at least five working days before the Disciplinary Meeting the Individual should provide the Investigator with:

22.3.6.1 the names of any witnesses to be called on their behalf;

22.3.6.2 any written evidence to be relied upon.

23 The Disciplinary Meeting will be conducted as follows:

23.1 the Panel Chairman will introduce the members of the Disciplinary Panel to the Individual;

23.2 any member of the Disciplinary Panel and the Individual or Companion may question any witness;

23.3 where relevant the Investigator will present the findings of their Report;

23.4 any witnesses for the Council will present their evidence;

23.5 the Individual or Companion will set out their case and present evidence (including any witnesses);

23.6 the Council and/or the Individual or Companion may sum up their case.

24 The Disciplinary Meeting may be adjourned to allow matters that were raised during the meeting to be further investigated.

Decision

25 The Disciplinary Panel shall consider the Matter in private and may decide that:

25.1 there is no case to answer; or

25.2 that there should be a Decision as to disciplinary action.

26 The Disciplinary Panel Chairman shall issue the Panel's Decision in writing to the Individual within five working days of the Disciplinary Meeting.

Outcome

27 If the Personnel Sub-Committee or Disciplinary Panel decide to take no disciplinary action, no record of the Matter will be retained in the Individual's personnel file.

28 Where the Personnel Sub-Committee or Disciplinary Panel determines that there should be a Decision as to disciplinary action, that may be any of the following:

28.1 oral warning - an oral warning is issued for most first instances of Minor Misconduct, and the Decision should notify the Individual:

- of the reason for the warning;
- the improvement required (if appropriate) and the period for improvement;
- that further misconduct/failure to improve will result in more serious disciplinary action;
- of the right to appeal;
- that a note confirming the oral warning will be placed on the Individual's personnel file, that a copy will be provided to the Individual and that the warning will remain in force for 6 months.

28.2 written warning - if there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more Serious Misconduct, the Individual will normally be given a written warning, setting out:

- the reason for the written warning, the improvement required (if appropriate) and the period for improvement;
- that further misconduct/failure to improve will result in more serious disciplinary action;
- the right of appeal;

- that a note confirming the written warning will be placed on the Individual's personnel file, that a copy will be provided to the Individual and that the warning will remain in force for 12 months.

28.3 final written warning - if there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the Individual will be given a final written warning, setting out:

- the reason for the final written warning, the improvement required (if appropriate) and the period for improvement;
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal;
- the right of appeal;
- that a note confirming the final written warning will be placed on the Individual's personnel file, that a copy will be provided to the Individual and that the warning will remain in force for 18 months.

28.4 dismissal - the Council may dismiss the Individual:

- for Gross Misconduct;
- if there is no improvement within the specified period in the conduct included in any final written warning;
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

29 The Council will consider very carefully a Decision to dismiss. If an Individual is dismissed, they will receive a written statement of the reasons for their dismissal, the date on which the employment will end and details of their right of appeal.

Appeal

30 The Individual will have a right to appeal any Disciplinary Decision in accordance with the Appeal Protocol.

31 Any Disciplinary Decision taken will remain in force unless and until it is modified because of a successful appeal.

32 If an appeal against dismissal is upheld, the Individual will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

Appendix 6 - Equal Opportunities Protocol

Introduction

1 The Council wishes to ensure that Officers, Members, and members of the public have equal access to and are treated with respect in relation to all its activities:

- the Council has responsibilities as an employer, a service provider, and a public authority, but both Officers and Members also have responsibilities as well as rights;
- the Council will treat all Officers, Members, and members of the public with dignity and respect, free from discrimination, victimisation, and harassment.

Statute

2 Under the 2010 Act it is unlawful to discriminate against an individual on the following grounds (the 'protected characteristics' in s4 of the Act):

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

3 S149 of the 2010 Act imposes a duty on Parish Councils to consider:

- the need to eliminate discrimination and harassment, victimisation and any other conduct that is prohibited by or under the Act;
- how to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- how to foster good relations between those who share protected characteristics and those who do not.

4 Where there is any uncertainty on definitions or requirements, the 2010 Act will prevail.

General

The Council as an employer

5 All Officers and Members are required to treat one another with mutual respect.

6 Actions, behaviour, and attitudes should consistently demonstrate respect for the dignity and worth of an individual, irrespective of the position they have within the organisation.

7 The Council provides a workplace where individuals are valued, listened to and treated with respect, and a work environment that seeks out and values the insight, experience, contribution and full participation of all staff.

8 Harassment and discrimination in any form is unacceptable behaviour and offenders will be subject to disciplinary action.

The Council as a service provider

9 The Council wishes to ensure that, so far as is reasonably practicable, all services provided by the Council are accessible to all individuals and groups equally and without discrimination.

10 All members of the public will be treated with respect. Officer and Member actions, behaviour and attitudes should consistently demonstrate respect for the dignity and worth of an individual.

The role of Councillors and Officers

11 All Officers and Members are responsible for implementing this Protocol. It is important that all individuals who are employed by the Council appreciate that they have a responsibility and a role to play in the provision of equal opportunities.

Monitoring equal opportunities

12 Complaints from Officers about discrimination or unfair treatment will be dealt with as laid down in the Grievance Protocol.

13 Complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Complaints Policy.

Appendix 7 - Grievance Protocol

Introduction

1 This Protocol:

1.1 is concerned with any complaint by an Officer regarding a problem, concern, or dissatisfaction with their employment ("Grievance");

1.2 Is based on and complies with the 2015 ACAS Code of Practice;

1.3 takes account of the ACAS guide on discipline and grievances at work, and:

1.3.1 aims to encourage and maintain good relationships between the Council and its Officers by treating Grievance allegations seriously and resolving them as quickly as possible;

1.3.2 will be applied fairly, consistently and in accordance with the 2010 Act.

2 Many problems can be raised and settled during everyday working relationships – Officers should aim to settle most Grievances informally via their line manager.

3 Information about a Grievance allegation will be restricted to those involved in the Grievance process - any record of the reason for the Grievance, its outcome and action taken is confidential to the Officer, and the Officer's Grievance records will be held by the Council in accordance with the Data Protection Legislation, and:

3.1 recordings of the proceedings at any stage of the Grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an Officer's medical condition;

3.2 if an Officer who is already subject to a disciplinary process raises a Grievance, the Grievance will normally be heard after completion of the Disciplinary Procedure;

3.3 if a Grievance is not upheld, no disciplinary action will be taken against an Officer if in the opinion of the Council they raised the Grievance in good faith.

Procedure

Informal procedure

4 The Council and its Officers benefit if Grievances are resolved informally and as quickly as possible.

5 As soon as a problem arises, the Officer should raise it with their line manager to see if an informal solution is possible - both should try to resolve the Matter at this stage.

6 If the Officer does not want to discuss the Grievance with their line manager (for example, because it concerns the line manager), they should contact the Council Chairman or, where they feel it more appropriate, another member of the Personnel Sub-Committee.

Mediation

7 Wherever possible, if the informal procedure has not resolved the problem, it may be appropriate to consider formal mediation, and the Council will consider appointing a mediator from an external mediation provider

8 Mediation is a dispute resolution process which requires the Council's and the Officer's consent - the process involves an impartial third party - the mediator - who helps two or more people in dispute to attempt to reach an agreement, and:

8.1 any agreement comes from those in dispute, not from the mediator;

8.2 a mediator oversees the process of seeking to resolve the problem but not the outcome.

9 Mediation is:

- less formal;
- flexible;
- voluntary;
- morally binding but normally without legal status (unless it produces an agreed outcome);
- confidential;
- (generally) unaccompanied;
- owned by the parties.

Formal procedure

10 If it is not possible to resolve the Grievance informally or through mediation, the Officer may submit a formal Grievance - in writing to the Council Chairman.

11 The Council Chairman will convene a meeting of the Personnel Sub-Committee, normally within 10 working days of receiving a formal Grievance, and the Sub-Committee should either:

11.1 invoke the Investigation Protocol; or

11.2 decide on any action to be taken by the Council.

Outcome

12 Where there has been an Investigation, the Investigator's Report should recommend either that:

12.1 there was no valid Grievance and the Matter should be closed;

12.2 there was a valid Grievance and the action that the Council should take.

13 Following receipt of a Report, or where it has not invoked the Investigation Protocol, the Personnel Sub-Committee should write to the Officer within a further five working days detailing its Decision and:

13.1 the action, if any, that the Council will take; and

13.2 the Officer's right to appeal.

Appeal

14 Any appeal concerning a Grievance Decision will be conducted in accordance with the Appeal Protocol.

Appendix 8 - Performance Management Protocol

Introduction

1 The aim of this Protocol is to encourage continuous personal and professional development for Officers.

2 Officers must take responsibility for their performance, and line managers must demonstrate realism in supporting them to develop and perform at their best.

3 Effective performance management improves Officer motivation and encourages high performance through clear goal setting, regular and honest feedback, supporting wellbeing, and providing frequent opportunities for learning and development.

4 It is also important to set out how the Council can recognise, and reward, sustained high performance and how to manage performance that does not meet the required standards.

5 In this Protocol references to the "Performance Year" are references to the leave year, which runs in correlation with the Council's financial year - from 1 April to 31 March.

Performance - Overview

Setting goals and standards

6 Officers must work towards Specific, Measurable, Achievable, Relevant and Time-bound (SMART) goals throughout the Performance Year. These goals must consider short, medium and long-term priorities, and should be tailored to individual needs, development or responsibilities.

7 SMART goals are:

- Specific - clear and focused, with well-defined outcomes;
- Measurable - so Officers can evaluate their progress;
- Achievable - challenging, but realistic to achieve;
- Relevant - to the strategic objectives of the Council, and aligned with Council values and behaviours;
- Time-bound - with a set target date (a target date for a goal should be realistic, but ambitious, motivating the Officer to apply focus and discipline to achieve it and helping to prioritise the task).

8 Goals should be set and agreed in line with the Performance Year.

Reviewing performance

9 Goals for the Performance Year should be reviewed, refreshed and updated with line managers in advance of the Performance Year where possible - it is vital that the minimum expected standards are set, as well as what good performance looks like, so that both Officer and line manager are clear on what these standards are (it may be appropriate to carry goals across from the previous year, but these must be reviewed regularly to make sure they are still relevant).

10 To enable effective performance management, Officers and line managers should have regular conversations (ideally monthly), which should be recorded, with the aim of supporting the Officer to perform and/or behave at the required standard, and to discuss:

- expectations on role and its associated performance standards, as well as any changes in Council requirements and personal circumstances;
- wellbeing, development, feedback, and demonstrated performance.

Rewarding Good Performance and Challenging Poor Performance

Recognising and rewarding excellent performance and behaviours

11 A focus of this Protocol is to foster and recognise high performance.

12 Where performance against agreed goals is satisfactory or above expectations the Council wishes to recognise this - it will normally be the case that, where goals are met or exceeded consistently across the year, the Officer will progress up any pay spine point progression scale applicable to their contract of employment (as agreed by the Personnel Sub-Committee).

Challenging poor performance

13 If performance/behaviour dips, or is below minimum standards, it is important that line managers give respectful and compassionate support to the Officer - an Officer's performance and/or behaviours can dip for several reasons, including but not limited to:

- lack of training;
- lack of will/motivation;
- skills or knowledge gaps;
- misunderstandings about expectations;
- line manager management style/relationship with the Officer;
- Councillor attitudes/relationships;
- workplace relationships;
- environmental factors;
- health or other issues outside of work.

14 It is essential that a careful judgement is exercised on assessing the seriousness of the situation and each is decided on its own merit, as they will vary from person to person. In limited situations, it may be necessary to initiate the Managing Poor Performance Process immediately.

Addressing poor performance

15 The Council expects all Officers to perform effectively and to work with their line manager to identify areas for development and improvement, and line managers are responsible for addressing poor performance fairly, effectively and promptly.

16 Where there is poor performance, the line manager and Officer should work together to help restore the Officer's performance. In most cases, dealing with the dip early and compassionately will prevent performance deteriorating and the need for formal poor performance procedures, which can be challenging and time consuming.

17 Line managers and Officers should have an open conversation to identify the cause for the dip in performance. From this discussion, the line manager and Officer can then agree ways of moving forward to prevent the dip from becoming an ongoing issue.

18 Support from the line manager should be provided to the Officer to enable them to improve and can include ensuring that any formal or informal training or coaching is provided. It may be helpful to agree one or more short-term goals that articulate what the Officer is expected to do by a certain point to bring their performance and/or behaviours back up to the expected level. It is essential that the measuring how to do this is clear to both parties.

19 At each such review, the Officer's delivery against their expected performance standard along with feedback from relevant stakeholders and any mitigating factors should be considered. The line manager can then either:

- end the support process where the Officer has demonstrated they are able to deliver the expected performance and/or behaviours;
- continue the process of support where the Officer has demonstrated some progress but needs additional time to demonstrate this consistently;
- begin the Managing Poor Performance Process (below), if all reasonable support has been provided to the Officer, yet performance and/or behaviours have not improved.

Managing Poor Performance Process

Overview

20 This process outlines the procedure to manage poor performance and must be followed to ensure the statutory code of practice, as laid out by ACAS has been adhered to.

21 Line managers will:

- review and consider available information and assess the current context and circumstance to understand the reasons for a dip in performance;
- deal with any issues affecting performance promptly, effectively, fairly and supportively;
- check that the Officer is aware of the level of performance required of them;
- provide all reasonable help, support and encouragement to assist the Officer to reach and maintain the required performance standards.

Performance Management Meeting

22 Such meetings enable line managers and Officers to address poor performance and should be convened to enable that discussion.

23 Before the meeting, line managers must:

- invite the Officer to the meeting in writing to discuss their performance - this should contain sufficient information about the alleged poor performance and its possible consequences, including any previous performance discussion notes, to enable the Officer to prepare for the meeting;
- make and take into account any necessary workplace adjustments required under the Equality Act 2010;
- notify the Officer of their statutory right to be accompanied by a Companion.

- give the Officer at least five working days' notice of the meeting - if the Officer (or their colleague or trade union representative) cannot attend, the meeting may be postponed once, for up to a further five working days.

24 In the meeting the line manager should:

- come to the meeting with an open mind;
- set out clearly the specific areas that are falling below the required performance standard, and the consequences of not improving performance;
- give the Officer the opportunity to reply or raise any issues or factors that may have impacted upon performance (for instance personal issues);
- discuss any possible solutions, including what support is available to the Officer (such as training, etc);
- discuss the timescale during which an improvement is expected;
- recognise that either party has the right to request a short adjournment to consider any points raised.

25 At the end of the meeting line managers should decide what action to take - the potential outcomes are that:

- the line manager may decide no further action is required;
- a verbal warning may be issued;
- where there have been a series of dips in performance that have not progressed beyond a verbal warning, a written warning may be issued; and/or
- a further meeting is to be arranged to follow up progress.

26 After any meeting the line manager should write to the Officer within five working days, including:

- a note of the discussion and performance issues;
- agreed actions - eg workplace adjustments or training;
- any improvement required from the Officer;
- any help and support available to the Officer;
- a reference to any verbal warning issued;
- a note of any written warning being issued;
- the date of the next meeting (if any).

Further Steps

27 Where the Officer's performance improves, the line manager should use the meeting at the end of the review period to advise them that no further poor performance actions are necessary. Performance management can then revert to the normal process.

28 Where an Officer has not improved their performance after a written warning, the Disciplinary Protocol should be invoked.

Appendix 9 - Sickness and Absence Protocol

Introduction

1 The Council is committed to the care and well-being of its Officers. The purpose of this Protocol is to ensure that all Officers have access to information relating to sickness and absence and are aware of the steps that they must follow when absent from work. Officers must keep their line manager informed about planned and unplanned absence.

2 This Protocol covers:

- annual leave;
- sickness leave;
- unauthorised absence & lateness;
- compassionate leave;
- family support / emergency leave;
- dentist / doctor / hospital appointments;
- maternity / paternity / adoption / parental leave.

Annual leave

3 The Council is aware that the use of annual leave is vital for the health and wellbeing of its staff. Each Officer has an annual leave allowance which is included in their contract of employment.

4 Officers are strongly encouraged to make use of their annual leave allowance over the course of the year.

5 The annual leave year runs in correlation with the Council's financial year - from 1 April to 31 March. Any unused annual leave over five days cannot be carried forward into the next leave year. Annual leave that is not taken and exceeds the carryover limit will be lost - only under the most exceptional circumstances will unused leave be considered for payment.

6 Annual leave should be arranged in advance and must be authorised by the Officer's line manager. Authorisation will not be unreasonably withheld.

Sickness leave

7 The Council recognises that there will be occasions when staff are unable to attend work due to sickness. The Council provides a sick pay scheme for its Officers and details of sick pay are included in Officers' contracts of employment.

Notification of absence due to sickness

8 If an Officer is unable to attend work due to sickness, they must inform their line manager by phone. They must give their reason, the duration and expected date of return. This must be as soon as practical on the first day of absence.

9 Regular contact must be maintained with the line manager during a period of absence.

Short-term self-certificated sickness

10 For an absence of seven days or less, Officers must complete a self-certification statement which is available from the Clerk. For all absences which exceed a seven day period, a medical Statement of Fitness for Work must be supplied.

11 All sickness absence will be recorded. Where levels of sickness absence reach the levels set out below, this will trigger the line manager to consider whether to investigate and assess whether any action needs to be taken to address it.

12 The Council wishes to support its staff and recognises that Officers who are often absent may be experiencing problems that could be better managed through other means than sickness absence. The sickness triggers will ensure that proper action is taken promptly in these circumstances. In the first instance, the line manager will meet with the Officer to discuss the proper course of action.

Long-term absence

13 Long-term absence relates to a prolonged illness, injury or disability that means that they will be away from work more than a short period. The Council provides a supportive approach to Officers in these circumstances and ensure that adequate steps are in place to prepare for Officers' return to work. The following options may be considered:

- lighter duties;
- flexible working;
- provision of specialist equipment.

Sickness triggers

14 The levels of sickness absence that will trigger line manager action are:

- 10 days or three separate events within six months; or
- 14 consecutive days; or
- where an Officer advises in advance of the need for an absence that will exceed 14 days (for example a planned medical procedure).

Return to work interview

15 Where an Officer has returned from any period of sickness, a conversation with their line manager will be conducted (return to work interview) and recorded as relevant in the circumstances. This should explore the need for any potential adjustments needed that are reasonable.

Medical information

16 Where necessary, to ensure the health of an Officer or to further support a return to work, the Council may request the Officer to supply further clarification or make arrangement for Occupational Health advice. Any expenses incurred, for example paying for an examination or Medical Certificate, will be agreed in advance and met by the Council.

Unauthorised absence and lateness

17 Unauthorised absence occurs when an Officer does not attend work and has not made arrangements with their line manager. This is normally a disciplinary matter, but the Council recognises that there may be exceptional circumstances. Where an Officer has returned from any period of unauthorised absence, a return-to-work interview will be

conducted to decide what action, if any is needed. The Officer may have to take unpaid leave for the period or use their annual leave entitlement.

18 There may be occasions when it is unavoidable to be late for work. The Officer should contact their line manager to explain the reason for the delay. The Officer will be expected to make up any time lost.

Compassionate leave

19 Compassionate leave is agreed at the discretion of the relevant line manager.

20 In general, paid leave will be granted for the death of a close family relative – a spouse, civil partner, father, mother (or equivalent in laws) or child - normally up to three days paid leave (pro rata for part time working) will be granted. The line manager will consider the individual circumstances, taking account of such matters as the need to organise funeral arrangements.

Family support and emergency leave

21 This can include the following situations – the list is not exhaustive:

- to help or plan for the provision of care for a dependant who is ill or injured;
- when there has been an unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves a child of the Officer.

22 Officers should be aware that the Council would expect Officers to use their annual leave entitlement, subject to the usual approval process, to offset the need to take unpaid leave.

23 The Clerk and the Council Chairman have overall discretion to agree further unpaid leave in exceptional circumstances, considering the needs of the individual member of staff at the time of the request and the operational needs of the Council.

Dentist/doctor/hospital appointments

24 Wherever possible, Officers should schedule appointments for either early morning or late afternoon, to minimise the disruption to the working day. In-patient appointments or procedures taking the full day will be recorded as sick absence unless covered by the 2010 Act.

Maternity/paternity/adoption/parental leave

25 An Officer's entitlement to maternity/paternity/adoption/parental leave is as set out in the relevant legislation.

Appendix 10 - Investigation Protocol

Triggering an Investigation

1 For the purposes of this Protocol, an investigation ("Investigation") is a fact-finding exercise seeking to collect all relevant information regarding a Matter.

2 Where it decides to invoke this Protocol, the Personnel Sub-Committee will, normally within 10 working days of the Matter being referred to them, appoint an investigator ("Investigator"):

2.1 the Investigator will be independent of the Matter in question and will normally be a Councillor;

2.2 if the Personnel Sub-Committee considers that there are no Councillors who are independent (for example, because they all have some aspect of involvement in the Matter), it will appoint someone from outside the Council;

2.3 the Investigator has no authority to take action - their role is to establish the facts of the case as quickly as possible and prepare a written report ("Report") as detailed below.

3 The Personnel Sub-Committee will inform the Investigator of the terms of reference of the investigation, which should deal with the following:

3.1 what the Investigation is required to examine;

3.2 what the Report should include (see relevant Protocol);

3.3 who to contact for further direction if unexpected issues arise or advice is needed.

4 The Investigator may:

4.1 conclude that an Investigation Meeting is needed, in which event they will seek to arrange such as set out below; or

4.2 decide that they can produce their Report following a less formal enquiry.

Investigation Meeting

Preliminary

5 Where the Investigator decides that an Investigation Meeting is needed, they will:

5.1 notify the Individual of that decision; and

5.2 seek to arrange a convenient date and time for the Investigation Meeting with the Individual, with (unless otherwise agreed with the Individual) at least ten working days' notice.

6 If there are other people (for example Officers, Members, contractors, volunteers, or members of the public) who can provide relevant information, the Investigator should try to obtain it from them in advance of the Investigation Meeting.

7 The Investigator should issue a written notice for the meeting to the Individual containing (at least):

7.1 the date, time and location of the Investigation Meeting;

7.2 details of the Matter;

7.3 a copy of this Protocol;

7.4 the names of any witnesses the Investigator intends to call;

7.5 details of any evidence the Investigator intends to refer to;

7.6 notice that the Individual may be accompanied to, and/or represented at, the Investigation Meeting by a Companion;

7.7 notice that at least five working days before the Investigation Meeting the Individual should provide the Investigator with:

7.7.1 the names of any witnesses to be called on their behalf;

7.7.2 any written evidence to be relied upon.

Process

8 The Individual and any Companion must make all reasonable efforts to attend the Investigation Meeting, but if they fail to do so a further meeting will be arranged.

9 A failure to attend a second meeting may result in it going ahead and a Decision being taken in the Individual's absence.

10 At the Investigation Meeting:

10.1 the Investigator will explain the purpose of the meeting;

10.2 the Investigator may question the Individual and any witness;

10.3 the Individual or any Companion may:

10.3.1 present their evidence and question any witness;

10.3.2 where the Matter concerns a Grievance set out what action they seek;

10.3.3 sum up their position.

11 The Investigation Meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Investigator.

Outcome and Report

12 After their Investigation has concluded, the Investigator should seek to produce their Report within 20 working days of the later of:

12.1 their date of appointment; or

12.2 any Investigation Meeting.

Appendix 11 - Appeal Protocol

Introduction

1 If an Individual wishes to appeal a Decision they must submit a written appeal to the Council Chairman:

1.1 within five working days of the Individual being notified of the Decision; and

1.2 specifying the grounds of appeal.

2 The only possible grounds for appeal are that:

2.1 the Council failed to follow the relevant Protocol; or

2.2 the Decision was not supported by the evidence; or

2.3 the action proposed was unjustified, inadequate or inappropriate; or

2.4 new evidence has become known since the Decision was taken.

Process

Initial steps

3 Within 10 working days of receipt of a valid notice of appeal, the Council Chairman shall:

3.1 appoint a panel ("Appeal Panel") of three Councillors who have not previously been involved in the Matter;

3.2 call a hearing ("Appeal Hearing") to be held within 25 working days of receipt of the notice;

3.3 notify the Individual in writing of the time, date and place of the Appeal Hearing; and

3.4 advise the Individual that they may be accompanied/represented at the Appeal Hearing by a Companion.

Appeal Hearing

4 The Appeal Panel shall appoint a Panel Chairman from amongst its members.

5 At the Appeal Meeting, the Panel Chairman will:

5.1 introduce the Appeal Panel to the Individual and any Companion;

5.2 explain the purpose of the Hearing, namely to hear the Individual's reasons for appealing against the Decision;

5.3 explain the action that the Appeal Panel may take.

6 The Individual (or their Companion) will be asked to explain the grounds of their appeal.

7 The Appeal Panel:

7.1 will consider the appeal in private;

7.2 may decide to uphold the Decision or substitute its own Decision;

7.3 will issue its Decision in writing within five working days of the Appeal Hearing.

8 The Decision of the Appeal Panel is final.