



Woodmancote  
PARISH COUNCIL

# **POLICIES & PROCEDURES**

## **2018**

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## **CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS**

1. Woodmancote Parish Council ("The Council") has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Council ("Members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").
2. The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.
5. When acting in your capacity as a Member:
  - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
  - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
  - (3) You must not disclose any information given to you as a Member in breach of any confidence.
  - (4) You must not bring your office or your Council into disrepute.
  - (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Council's statutory officers and its other employees.

- (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.
- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions.
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (10) You must ensure, when using or authorising the use by others of the resources of your Council, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Council Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

### **Registering and declaring disclosable pecuniary and other registrable interests**

1. You must, within 28 days of taking office as a member or co-opted member, complete your Register of Interests to notify any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests are shown attached to this code.
2. If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
3. Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
4. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must

observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.

## **SEVEN GENERAL PRINCIPLES OF CONDUCT**

### **Selflessness**

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

### **Accountability**

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

5. Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

### **Honesty**

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

### **Leadership**

7. Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

## **PECUNIARY AND OTHER REGISTRABLE INTERESTS DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)**

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of any payment or provision of any other financial benefit (other than from the relevant Council) made or provided within the relevant period in respect of any expenses incurred by

Member in carrying out duties as a member, or towards the election expenses of Member. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council –
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant Council.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
6. Details of any tenancy where (to Member's knowledge) –
  - (a) The landlord is the relevant Council; and
  - (b) The tenant is a body in which the relevant person has a beneficial interest.
  - (c) Details of any beneficial interest in securities of a body where
  - (d) That body (to M's knowledge) has a place of business or land in the area of the relevant Council; and
  - (e) Either – The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (f) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **CO-OPTION POLICY**

### **1. Introduction**

- 1.1 There are two circumstances under which the council may, if it so wishes, proceed to fill a casual vacancy by co-option:
- When a seat has been left vacant because no eligible candidate stood for election at the full elections for a new council (currently every four years)
  - During the life of the council, a ward seat falls vacant but the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period following publication of the notice of vacancy
- 1.2 The council is not obliged to co-opt to fill any vacancy. Even if the council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.3 However, it is not desirable that electors in a particular ward be left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the council if there are insufficient Members to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 1.4 To ensure a fair and transparent process is undertaken, this policy outlines the procedure to be followed by the council when co-option is considered.

### **2. Application process**

- 2.1 On receipt of written notice from the Democratic Services Manager at Horsham District Council that a casual vacancy may be filled by means of co-option:
- The Clerk will advertise the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification
  - The co-option advertisement will include the closing date for acceptance of requests for consideration (between 14 and 30 days after the date of the advertisement) and the number of vacancies, and will be displayed on the council website and noticeboards
- 2.2 Members may point out the vacancies and the process to any qualifying candidate(s). Candidates found to be offering inducements of any kind will be disqualified.
- 2.3 Applicants for a vacancy will be asked to:

- Submit information about themselves to the Clerk, including a description of their interest in becoming a councillor and specifying any skills or qualifications which may benefit the council
- Confirm their eligibility for the position of councillor within the statutory rules, which will be supplied

2.4 Copies of the applicant's information will be circulated to all Members by the Clerk at least three clear working days prior to the Council meeting where the co-option will be considered. The application forms and any supporting documents will be treated by the Clerk and Members as strictly confidential.

2.5 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, and will be informed they may, if they so wish speak about their application during the co-option item on the agenda at the meeting.

### **3. Voting procedure**

3.1 Voting will be according to the agreed procedure in standing orders, namely:

*'Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.'*

3.2 After the vote has been concluded, the chairman will declare the successful candidate(s) duly elected. A Member elected by co-option is a full member of the council, but is not eligible for the basic parish allowance.

### **4. Acceptance of office**

4.1 The successful candidate(s) must sign their Declaration of Acceptance of Office before they can act as a councillor. The Register of Members Interests form must be completed within 28 days and the Clerk will forward a copy to the District Monitoring Officer.

## **RISK MANAGEMENT POLICY**

### **1. Introduction**

1.1 The council recognises that it has a responsibility to take all reasonable and practical measures to safeguard its employees, the people it works with and provides services for; and to protect the natural and built environments for which it is responsible.

1.2 The council is aware that some risks cannot be eliminated fully and has in place a strategy that provides a structured, systematic and focused approach to managing risk

### **2. Objectives**

2.1 The objectives of the risk management policy are to:

- Integrate risk management into the culture of the council
- Manage risk in accordance with best practice and legislative requirements
- Minimise loss, disruption, injury and damages
- Inform policy and operational decisions by identifying risks and their likely impact
- Raise awareness of the need for risk management

2.2 These objectives will be achieved by:

- Identification of risk
- Undertaking risk assessments
- Managing the risk and recording actions
- Incorporating risk management considerations into council processes
- Providing appropriate training
- Establishing clear roles, responsibilities and reporting lines
- Effective communication with, and active involvement of, employees

## **EQUAL OPPORTUNITIES STATEMENT**

### **1. Introduction**

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

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

### **2. Principles**

2.1 Discrimination, direct or indirect, based on a person's gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, marital status, social class or other irrelevant distinction is unacceptable.

2.2 In addition to being unacceptable, such forms of discrimination represent a waste of human resources and a denial of the opportunity for individual fulfilment.

2.3 The council seeks to involve all sections of staff in the continuing development and implementation of this policy.

### **3. Members of the public**

3.1 The council recognises that many members of the public use its services or visit its premises. The council takes seriously its responsibility to these people and affirms that they will be treated with the same respect and rights. Likewise, it is not acceptable for staff to be treated unfairly by service users or visitors.

### **4. Organisational Responsibilities**

4.1 The council is responsible for overseeing the implementation, monitoring and review of the Equal Opportunities Statement.

4.2 The Clerk's responsibilities include communicating the policy and its implementation to staff, monitoring its implementation, and advising Members on recruitment and other matters concerning equal treatment.

4.3 The co-operation of all employees is essential for the success of this policy. However, ultimate responsibility for achieving the policy's objectives and for ensuring compliance with relevant statutes and codes of practice lies with the council.

4.4 Intentional breaches of the provisions or spirit of this policy will be regarded as misconduct and could lead to disciplinary action in accordance with the council's disciplinary policy.

## **5. Legal framework**

5.1 The policy will be implemented within the framework of the relevant legislation, the main statute being the Equality Act 2010. This brought together 116 separate pieces of legislation to provide a framework to protect the rights of individuals and advance equal opportunities for all. The main pieces of legislation which have merged under the new act are:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Disability Discrimination Act 1995
- The Protection from Harassment Act 1997
- Gender Reassignment Regulations 1999
- Race Relations (Amendment) Act 2000
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act (Sexual Orientation) Regulations 2007

## **CODE OF CONDUCT EMPLOYEES**

1. Apply strict honesty and absolute fairness in all matters carried out for the Council, acting without bias.
2. Respect all confidential information – never make a disclosure without the authority of the source.
3. Be prompt in all dealings/responses – if this is not always possible, issue an acknowledgement that the matter is receiving attention.
4. Never use the position in the Council to gain an advantage that is not available to the general public.
5. Never accept any favours or gifts – apart from modest items that might be offered e.g. pens/diaries/calendars.
6. Disclose any personal or family interests in issues under discussion in Council.
7. Observe correct relations with Members and other staff. Treat all alike, without favour, and avoid over familiarity.
8. Keep everything in the open and discourage closed sessions. Ensure members and staff are kept up to date with all matters affecting the Council.
9. Avoid taking political stance in Council dealings.
10. Be open and amenable to any potential changes in procedures and systems.
11. Be aware and fully understand the legal or statutory requirements that relate to the Council and work within these frameworks at all times.
12. If it appears that an adopted Policy is illegal or improper, refer the matter to your Local Council Association or District Monitoring Officer.
13. If it could be considered by residents that Council staff and their families may benefit from Council grants, donations, sponsorship or the engagement of contractors, report the matter to the Council.

## **FREEDOM OF INFORMATION**

### **1. Introduction**

1.1 The Freedom of Information Act 2000 is intended to promote a culture of openness and accountability amongst public authorities by providing people with rights of access to the information held by them.

1.2 The council will comply with the requirements of the act, and in particular will:

- Make as much information as possible available via the publication scheme
- Respond to requests for information as quickly as possible, and in any event, within the statutory timescales
- Where, exceptionally, we believe it is not going to be possible to respond fully within the statutory timescale (for example, where we have to consider the public interest tests), we will:
  - Advise you why, and give an estimated date by which the information will be provided, and
  - Provide as much of the information as possible within the earlier timescale
- Apply exemptions appropriately and consistently
- Ensure that any fees charged are calculated appropriately and consistently

### **2. How to make a request**

2.1 A large amount of information is freely available on the council's website, which can be found at **[www.woodmancoteparishcouncil.co.uk](http://www.woodmancoteparishcouncil.co.uk)**.

2.2 If you are unable to find the information you are looking for, you can request the information directly from the council.

2.3 The preferred method for requesting information from the council is in writing; either email or letter, to ensure the request is clearly understood. Requests should be made to:

**Parish Clerk**

**48 Titmus Drive**

**Crawley**

**RH10 5ER**

Or via email **[woodmancoteparishcouncil@gmail.com](mailto:woodmancoteparishcouncil@gmail.com)**

2.4 The request should provide as full a description as possible of the information you require, and your preferred method for receiving the information.

### 3. Complaints

3.1 The council would normally expect the Clerk or other named officer to understand what information you have asked for and be able to tell you where you can find it. If the information you received is not what you asked for or need, you should contact the Clerk or named officer to clarify your requirements.

3.2 If you believe that the council has not dealt with your request fairly and it cannot be resolved on an informal basis, you should follow our complaints procedure.

3.3 If you have followed our complaints procedure and are still not happy with how we have dealt with your request, you may also contact the Information Commissioner's Office to ask them to investigate further. They can be contacted at:

Postal address:       The Information Commissioner's Office  
                              Wycliffe House, Water Lane  
                              Wilmslow, Cheshire  
                              SK9 5AF

Website:               [www.ico.gov.uk](http://www.ico.gov.uk)

Telephone:            0303 123 1113

### 4. Charges

4.1 Charges made by the council in relation to the publication scheme will be justified, transparent and kept to a minimum.

4.2 Information which is published and accessed on the council's website is provided free of charge.

4.3 Charges will be made for actual disbursements incurred as detailed below:

DESCRIPTION	BASIS OF CHARGE
Photocopying @ 10p per A4 sheet (black & white only)	Actual cost incurred
Photocopying @ 12p per A3 sheet (black & white only)	Actual cost incurred
Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class postage

## HEALTH AND SAFETY POLICY

### 1. Introduction and duties

- 1.1 The Health and Safety at Work Act 1974 sets out the general duty of employers, and states the main principle as *'it shall be the duty of every employer to ensure, as far as is reasonably practical, the health, safety and welfare at work of all its employees.'*
- 1.2 The council recognises and accepts this responsibility, and for the health and safety of any other person who may be affected by its activities as far as is reasonably practical.
- 1.3 The council also recognises that every accident, however slight, is a matter for concern and will actively promote health and safety at all times.
- 1.4 The Health and Safety at Work Act 1974 also sets out the duties of employees while at work.
- 1.5 Employees have a duty *'to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.'*

### 2. Sensible risk management

- 2.1 The council will implement a Health and Safety policy to fulfil its responsibilities, and adopt a sensible approach to risk management designed to:
  - Ensure staff and the public are properly protected
  - Ensure that risks that are created are managed responsibly
  - Ensure that precautions taken are appropriate to the perceived level of risk
  - Establish an audit trail of risk assessment records
- 2.2 The sensible risk management approach will ensure the council **does not**:
  - Use 'Health and Safety' as a reason for preventing an activity
  - Scare people by exaggerating risks or publicising trivial risks
  - Create unrealistic demands prior to agreeing an activity

### 3. Risk assessments

- 3.1 The Management of Health and Safety at Work Regulations 1999 require employers to carry out risk assessments.

- 3.2 A risk assessment should be a practical exercise examining what, in your work, could cause harm to people, and putting in place controls to minimise the identified risks.
- 3.3 The Health and Safety executive (HSE) promote a risk assessment process which follows the five following steps:
- Identify the hazards
  - Decide who might be harmed and how
  - Evaluate the risks and decide on precautions
  - Record the findings and implement them
  - Review the risk assessment and update if necessary
- 3.4 As there is only one employee who works from home, the employee will perform a self assessment of the risks of the work activities and present any risks to the Council. The council is only responsible for work equipment that it owns.
- 3.5 The council will conduct risk assessments for any event it holds, and report the findings to the Council.
- 3.6 A full record of all risk assessments will be kept in the council office, including details of any remedial action taken.
- 3.7 A written record of any accidents, injuries or incidents will be retained in the council office and referred to when completing any risk assessment.

#### **4. Introduction and duties**

- 4.1 The council will ensure all employees are trained in the use of any work items provided to them to fulfil their duties.
- 4.2 The council will actively involve staff members in completion of risk assessments connected to their respective roles, and encourage staff members to raise any health and safety concerns they have with their line managers.
- 4.3 The council recognise its obligations to consult with its employees as detailed in the Health and Safety (Consultation with Employees) Regulations 1996 and the Safety Representatives and Safety Committee Regulations 1977.

#### **5. Other legislation**

- 5.1 The council will be mindful of other legislation which may affect its responsibilities for Health and Safety and take these into account when assessing risks, in particular:

- The Workplace (Health, Safety and Welfare) Regulations 1992
- The Personal Protective Equipment at Work Regulations 1992
- The Manual Handling Operations Regulations 1992
- The Health and Safety (Display Screen Equipment) Regulations 1992

5.2 The council is also aware of other legislation which could affect its future responsibilities for health and safety, in particular:

- The Health and Safety (First Aid) Regulations 1981
- The Electricity at Work Regulations 1989
- The Confined Spaces Regulations 1997
- The Provision and Use of Work Equipment Regulations 1998
- The Lifting Operations and Lifting Equipment Regulations 1998
- The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Work at Height Regulations 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Control of Asbestos Regulations 2012
- The Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013 (RIDDOR)

## 6. Insurance

6.1 The council will meet its legal obligations to insure against liability or disease to their employees arising out of their employment under the provisions of the Employers' Liability (Compulsory Insurance) Act 1969.

## **COMPLAINTS PROCEDURE**

### **Before the Meeting**

1. This Complaints Procedure can be provided by email, in printed hard copy, or orally.
2. The complainant should be asked to put the complaint about the council's procedures or administrator in writing to the clerk or other nominated officer. However if this is not possible other means of communication will be acceptable.
3. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
4. The clerk or other nominated officer shall acknowledge receipt of the complaint within 21 days and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. This will be within 2 months of the date of the complaint. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
5. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
6. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### **At the Meeting**

7. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
8. The chairman should introduce everyone and explain the procedure.
9. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.

10. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
11. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
12. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
13. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

#### **After the Meeting**

14. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

## **PROCEDURES TO DEAL WITH WRITTEN REQUESTS**

All responses to consultation are dealt with as soon as possible within the consultation time allowed.

## **PROCEDURES TO DEAL WITH DOCUMENT RECEIPT, CIRCULATION, RESPONSE, HANDLING AND FILING**

1. All documents and letters are acknowledged if appropriate.
2. All documents and letters etc. are placed in the correspondence file for the next appropriate meeting. Copies are emailed to all Parish Councillors.
3. All urgent correspondence is placed before the Chairman of Council.
4. All correspondence is answered within one week from the meeting if possible.
5. All documents are then filed in the appropriate file. Responses are kept on computer for 2 years.
6. Original documents will be scanned, stored online and password protected. The original document will be stored in the filing cabinet owned by Woodmancote Parish Council, which is kept locked at all times. The Clerk and Chairman are the keyholders.

## **EMAIL & SOCIAL MEDIA**

1. All emails to other bodies and members of the public will be sent via the Clerk.
2. The Clerk and Chairman hold the password to the email account.
3. Emails with historic or useful information will be stored indefinitely. All other emails will be stored for a maximum of two years.
4. Emails stored by Members on their personal devices should only be stored for as long as the information is needed by that Member. As the Clerk is responsible for all data retention, this should only occur in exceptional circumstances.
5. Social media is not currently used by Woodmancote Parish Council. Members and Employees will refrain from referring to Council matters on their personal social media accounts.

## DATA PROTECTION

Woodmancote Parish Council needs to gather and use certain information about individuals. This policy describes how this data must be collected, handled and stored.

1. The Clerk is the appointed data protection officer.
2. Woodmancote Parish Council subscribes to the Information Commissioner's Office annually.
3. Personal information will be collected and used fairly, stored safely, and not disclosed unlawfully.
4. This policy applies to all employees and Members of Woodmancote Parish Council, and applies to all data held relating to identifiable individuals.
5. All individuals will be free to choose how Woodmancote Parish Council uses data relating to them.
6. Every employee and Member has some responsibility for ensuring data is collected, stored and handled appropriately.
7. Members are ultimately responsible for ensuring that Woodmancote Parish Council meets its legal obligations.
8. The Clerk is responsible for:-
  - Keeping the Council updated about data protection responsibilities, risks and issues.
  - Reviewing all data protection procedures and related policies.
  - Handling data protection questions from Members and employees.
  - Dealing with requests from individuals to see data Woodmancote Parish Council holds about them.
9. Data should be regularly reviewed and updated if it is found to be out of date. If no longer required, it should be deleted and disposed of.
10. When data is stored on paper, it should be kept in a secure place where unauthorised people cannot see it.
11. Data should be protected by strong passwords.

12. Requests by individuals to find out what information is held by Woodmancote Parish Council about them should be made by email and addressed to the Clerk at [woodmancoteparishcouncil@gmail.com](mailto:woodmancoteparishcouncil@gmail.com).
  
13. In certain circumstances, the Data Protection Act allows personal data to be disclosed to law enforcement agencies without the consent of the data subject. Under these circumstances, Woodmancote Parish Council will disclose requested data. However, the Clerk will ensure the request is legitimate.

## WOODMANCOTE PARISH COUNCIL'S DISCIPLINARY POLICY

### INTRODUCTION

- 1 This policy is based on and complies with the 2009 ACAS Code of Practice (<http://www.acas.org.uk/CHttpHandler.ashx?id=1047&p=0>). It 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:
  - 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 to when performance management proves ineffective. For more information see the Acas publication "How to manage performance" at:  
[http://www.acas.org.uk/media/pdf/g/7/Acas\\_how\\_to\\_manage\\_performance-accessible-version-Nov-2011.pdf](http://www.acas.org.uk/media/pdf/g/7/Acas_how_to_manage_performance-accessible-version-Nov-2011.pdf)
  - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - employees may be accompanied or represented by a trade union representative or a work colleague at any disciplinary or investigatory 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.

- 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 Data Protection Act 1998
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary action. 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 an oral warning, written warning, final written warning or dismissal
- 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 Council's and the employee's consent.

#### **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.
- 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.
- 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
  - serious and deliberate damage to property
  - use of the internet or email to access pornographic, obscene or offensive material
  - disclosure of confidential information.

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

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

### **DISCIPLINARY INVESTIGATION**

- 6 There will be an investigation of the facts. The council's staffing committee will appoint an Investigator who will be responsible for undertaking the disciplinary investigation. 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 Investigator will be asked to submit a report within 20 working days of appointment. 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 (see paragraphs 14 -16).
- 7 The staffing committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' 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 should 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.

- 8 Employees may be accompanied or represented by a trade union representative or a work colleague at any investigatory meeting.
- 9 If there are other persons (eg 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.
- 10 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 taken.
- 11 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 there should be action under the Council's disciplinary procedure.
- 12 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 13 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**

- 14 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee. 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 investigation report, all the 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 (at least 15 working days) 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 five working days before the meeting
- that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing
- that the employee may be accompanied by a companion, either a trade union representative or a work colleague

The disciplinary meeting will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee
- the investigator will present the findings of the investigation report
- the Chairman will set out the council's case and present supporting evidence (including any witnesses)
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or the companion) will have the opportunity to sum up his/her case
- 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
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### **DISCIPLINARY ACTION**

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

#### **Oral warning**

An oral warning is issued for most first instances of minor misconduct. The council will notify the employee:

- of the reason for the 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
- of the right to appeal
- that a note confirming the oral 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 six months.

### **Written warning**

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A 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 12 months.

### **Final written warning**

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, 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 18 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.

16 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.

17 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 imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal.

### **THE APPEAL**

18 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.

19 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's 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.

20 The Appeal will be heard by a panel of three members of the staff 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.

21 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, either a trade union representative or a work colleague.

22 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.

- 23 The employee (or his companion) will be asked to explain the grounds for appeal.
- 24 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 hearing.
- 25 The appeal panel may decide to uphold the 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.
- 26 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.
- 27 The appeal panel's decision is final.

## WOODMANCOTE PARISH COUNCIL'S GRIEVANCE POLICY

### INTRODUCTION

1. This policy is based on and complies with the 2009 ACAS Code of Practice (<http://www.acas.org.uk/CHttpHandler.ashx?id=1047&p=0>).

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 trade union representative or work colleague. 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 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.
- 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 Data Protection Act 1998

- recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed 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 Council's and the employee's consent.

#### **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.

#### **FORMAL GRIEVANCE PROCEDURE**

5. If it is not possible to resolve the grievance informally, 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 investigate 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. The sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public) .

#### **Notification**

8. Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The sub-committee's letter will include the following:
- the names of its Chairman and other members
  - a summary of the employee's grievance based on his/her written submission
  - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the council received the grievance
  - the employee's right to be accompanied by a trade union representative or work colleague
  - a copy of the Council's grievance policy
  - confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
  - confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

### **The grievance meeting**

9. 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 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
  - the Chairman will provide the employee with the sub-committee's decision, in writing, 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
  - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### **The appeal**

10. 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.

11. Appeals may be raised on a number of grounds, eg:
  - 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.
  
12. 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 staff committee. The appeal panel will appoint a Chairman from one of its members.
  
13. The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will 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 trade union representative or work colleague.
  
14. 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.
  
15. The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
  
16. 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.
  
17. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
  
18. The decision of the appeal panel is final.