

# **CLAYTON PARISH COUNCIL**

## **POLICIES AND PROCEDURES**

**2020/21**

## Version Control

<b>Version</b>	<b>Description</b>	<b>Date</b>
Draft 0.1	Initial production C. Hepton (Clerk) and C Kaushal-Bolland (Chairman)	19 June 2016
Draft 0.2	Insertion of Grant Fund and Social Media Policy	22 June 2016
Draft 0.3	Revisions by Clerk	27 June 2016
Draft 0.4	Final draft for review by Councillors	27 June 2016
Final V1	Full resolution provided by Clayton Parish Council	21 July 2016
Updated 2019/20 v2	Revision by the clerk for approval at full council	2 <sup>nd</sup> May 2019
Updated 2020/21 V 3	Revision by the clerk for approval at full council	

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## ABSENCE MANAGEMENT POLICY

### 1. Absence Policy

1.1 The Parish Council wishes to ensure that it delivers quality services. This can only be achieved if it is possible to provide consistency and ensure that disruption to service provision, due to staff absence, is minimised. In dealing with sickness absence the organisation must balance the needs of individual employees against the need to provide and manage quality services, and the cost of employing temporary staff to cover absences.

1.2 The Parish Council recognises that there will be occasions where employees will be absent through sickness or ill health. Policies and procedures are designed to ensure that any such absences are dealt with fairly and consistently, whilst taking into account individual circumstances. The Parish Council is sympathetic where employees have genuine sickness, but extended or recurrent absence that affects the level of service provided by the Parish Council must be addressed.

1.3 Where patterns of absence have been identified, the Parish Council will discuss with the employee to establish the underlying reasons. Where counselling is considered a way forward in helping to identify and resolve those issues, that shall be offered before any formal action is considered. The Parish Council may also make use of a Counselling helpline via SLCC.

1.4 The responsibility for managing absence lies with the Parish Clerk and individual employees. Where any absence relates to the Clerk the responsibility lies with the Chairman as line manager. The provision of management information and advice and guidance on managing absence and employee rights is the responsibility of the Parish Council via the Staffing Committee.

1.5 Absence will not normally be regarded as a disciplinary matter, but if the reasons for absence are considered unsatisfactory or if an employee is in breach of the absence procedures, it may be dealt with under the disciplinary procedures.

1.6 Where an employee's persistent short term absence or long-term absence is a cause for concern and/or affecting the services provided, the Parish Council may seek to terminate an employee's contract.

## PROCEDURE

### 2. Reporting Sickness

2.1 Employees are required to notify the Parish Clerk (or in the case of the Parish Clerk's sickness then the Chairman should be informed) during the first hour of the first day of sickness, giving an indication of the likely length of absence. If they are unable to contact the Parish Clerk they should leave a message on the Parish Council's

telephone answering service. If an employee's sickness is likely to last longer than originally indicated, the employee must keep in regular contact with the Parish Clerk / Chairman about the likely date of return.

2.2 Where an employee is absent for more than seven consecutive days (including weekends) they are required to obtain a Medical Certificate ("fit note") from their Doctor or Hospital. The Medical Certificate should be sent to the Parish Council and will be forwarded to the Parish Council's payroll department in order that sick pay is processed.

2.3 Where an employee does not submit a Medical Certificate for a period of absence over 7 days they are not entitled to, and will not be paid, sick pay and may be disciplined for unauthorised absence.

2.4 Where an employee returns to work within seven days, the UK Government form SC2 "self certification" must be completed and sent to the Parish Clerk / Chairman.

### **3. Probationary Period**

3.1 Whilst it is recognised that there may be some genuine absence during the probationary period, prolonged or frequent absence during a probationary period may result in failure to confirm an employee in post or the termination of the contract prior to the completion of the probationary period.

### **4. Review of Sickness**

4.1 The Parish Clerk / Chairman shall keep records of sickness absence. Where an employee's absence level is greater than normal, or where the pattern of sickness is a cause for concern, it is the responsibility of the Parish Council to raise the sickness record with the employee.

4.2 Absence is not normally regarded as a disciplinary matter, but if the reasons for absence are considered unsatisfactory or if an employee is in breach of the absence policies and procedures it may be dealt with under the disciplinary procedures

4.3 Where the Parish Council is concerned about an employee's absence record or length of absence from work, they must meet with the employee to discuss their sickness record. The Parish Council may require an employee to produce a Medical Certificate for all absences and where there is continued concern employees should receive first and final warnings that their absence records could lead to the termination of their contract.

4.4 Examples of absences causing concern include :

- ● an absence repeated in three consecutive months
- ● where there are four periods of absence in any six months
- ● where there is a long history of intermittent sickness

4.5 Where an employee's persistent short term absence or long-term absence is a cause for concern and/or affecting the services the Parish Council provides, it may seek to terminate an employee's contract. This will only be done after

- ● Discussion with the employee
- ● Offering counselling, if appropriate
- ● Having sought Independent Medical Advice at no cost to the employee
- ● Offering suitable alternative employment, where appropriate

4.6 Employees have the right to refuse any independent medical examination, and the right to see, or withhold the results of any such examination and the right of appeal against any termination on the grounds of ill-health.

4.7 An employee's absence may be for reasons other than ill-health. Where it is clear that this may be the case, the Parish Council should consider alternative appropriate action to resolve the difficulties facing the employee. In such cases the Parish Clerk / Chairman will advise the Staffing Committee as to options.

## 5. Statutory Sick Pay

5.1 Employees are eligible for SSP inline with the provision laid down in the Green Book, as follows:

*National Agreement on Pay and Conditions of Service ('Green Book' Provisions) If the Council abides by Green Book provisions, then an employee will be entitled to sick pay above statutory sick pay provisions. The intention of Green Book provisions is to maintain normal pay during defined periods of absence due to sickness, disease, accident or assault. Under Green Book provisions, absence caused by normal sickness is separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority, so absence relating to normal sickness is not aggregated with periods of absence through industrial disease, accident or assault. Under Green Book provisions, periods of absence in respect of normal sickness, such as flu, as opposed to periods of absence caused by industrial disease, accident or assault arising out of or in the course of employment, should not be offset against the other for the purposes of calculating entitlements under the scheme. Under the Green Book sickness scheme, employees are entitled to receive sick pay for the following periods: During 1st year of service 1 month's full pay and (after completing 4 months service) 2 months half pay During 2nd year of service 2 months' full pay and 2 months' half pay During 3rd year of service 4 months' full pay and 4 months' half pay During 4th and 5th year of service 5 months' full pay and 5 months' half pay After 5 years service 6 months' full pay and 6 months' half pay A local authority has the discretion to extend the period of sick pay in exceptional circumstances. Any entitlement to sick pay under this scheme will be on a rolling twelve month period.*

5.2 SSP is not paid where employees are entitled to other benefits e.g. Maternity or Disability Benefits, they are over 65, or they have exceeded the maximum for payment of SSP.

5.3 Refer to individual contracts of employment for details of sick pay.

## COMMUNICATIONS POLICY

### a) AIMS

- 1.1 To establish clear, easy to use channels of communication between the Parish Council and the Parishioners, and vice versa.
- 1.2 To provide information on important matters in an appropriate manner so as to facilitate and encourage informed comment from interested individuals and groups.

## 2. INTRODUCTION

- 2.1 Each Parish Councillor has a duty to represent, without bias, the interest of the whole community. They will endeavour to do their best and are available to help parishioners with regard to matters relating to the parish of Clayton. They may be contacted by email or telephone and a contact list is displayed on the Parish Council website and the noticeboard in the Village Hall.
- 2.2 If the matter is important, then an email or letter should be addressed to the Parish Clerk and will be brought to the attention of the Chairman and if necessary put before the full Parish Council to ensure the matter is dealt with in a suitable and professional manner.

## 3. PARISH COUNCIL MEETINGS

It is the Parish Council's intention to comply with the following schedule:

- 3.1 The Parish Council will meet at 7.00pm on the third Thursday of every other month commencing in May each year.
- 3.2 The Planning Committee will meet on a monthly basis as a minimum although will meet on a greater frequency if required.
- 3.3 The Staffing Committee will meet on a quarterly basis as a minimum or more frequently as required.
- 3.4 The Finance Committee will meet at the end of each financial quarter to review the quarterly accounts and maintain an overview of the financial regulations.
- 3.5 The Annual Meeting of the Parish Council will be the May meeting when Councillors will elect the Chair, appoint the Vice Chair and members of committees, working groups and outside bodies for the forthcoming year.
- 3.6 The Annual Parish Meeting (a meeting of the electorate) will take place in May in each year and will be chaired by the Parish Council Chairman and serviced by the Parish Clerk.
- 3.7 The Parish Council will meet in Clayton Village Hall for a full PC meeting, unless otherwise notified. Committee meetings will take place at the office in Clayton library unless otherwise notified
- 3.8 A standing agenda item will ensure that there is sufficient time for public consultation and question time.

#### **4. PRESS RELATIONS**

4.1 Normally only the Parish Clerk and Chairman issue press releases and comments to the local media, however when Parish Councillors provide information to the local media it needs to be made clear whether they are speaking on behalf of the Parish Council or as individuals.

4.2 Any information provided to the media must be notified to the Parish Council Clerk and Chairman as soon as possible.

#### **5. SOCIAL NETWORKING (Twitter, Facebook etc)**

5.1 The Parish Council has a Facebook page (ClaytonPC) and a Twitter account (Clayton\_PC); both are managed by the Parish Clerk and Chairman who are delegated authority to issue updates and news on behalf of the Parish Council.

5.2 Members of staff or Parish Councillors using social networking through their personal or professional lives are responsible for their own actions and must ensure that their conduct follows the Nolan principles of life in a public office.

#### **6. NOTICEBOARDS**

The following items will be displayed permanently:

6.1 Names and pictures of Parish Councillors with contact details;

6.2 Parish Council meeting dates for the year;

6.3 Notice of the annual audited accounts will be displayed when appropriate;

6.4 The Parish Council meeting notice will be displayed at least three clear days in advance of the meeting (not including the day of the meeting, Sundays, a day of the Christmas break, a day of the Easter break or a public bank holiday);

6.5 Notices for Parishioners will be displayed as and when appropriate.

#### **7. eNEWSLETTER**

7.1 Following the full Parish Council meeting (within one week), the Parish Clerk and Chairman will provide a Council update via an eNewsletter. Appropriate notices will be published as and when required.

#### **8. PARISH WEBSITE**

The following items will be permanently available:

8.1 Parish Councillors names, contact details and declarations of interest;

8.2 Parish Council meeting dates for the year ;

8.3 The approved Parish Council Minutes (uploaded within one week of approval);

8.4 The Council's Publication Scheme (a document which details information which can be requested from the Parish Council);

8.5 The Parish Clerk will ensure that all Parish Council information included on the Website is regularly updated;

8.6 Privacy notice and GDPR information.

## **9. CORRESPONDENCE**

9.1 All correspondence relating to the Parish should be addressed to the Parish Clerk in the first instance. This will ensure that the matter is recorded and passed to the relevant person or organisation as soon as practicably possible.

9.2 If a Parishioner wishes a matter to be formally discussed at a Parish Council meeting, then the Parish Clerk must be notified at least 10 days prior to the meeting to enable the item to be placed on the Agenda.

## **10. ANNUAL PARISH MEETING**

10.1 The Annual Parish Meeting is held for the purpose of the electorate to discuss “parish affairs”. Parish affairs can be any issue or topic that specifically affects the parish. It is not exclusive to the business matters of the parish council.

10.2 The Parish Meeting may also be used as an opportunity to review progress of the Parish Council over the last year and have the opportunity to debate local issues and/or celebrate local events and activities.

## **11. COMMENTS**

Any comments or queries regarding this document should be made to the Parish Clerk at [clerk@clayton-pc.gov.uk](mailto:clerk@clayton-pc.gov.uk)

## COMMUNITY ENGAGEMENT POLICY

### Statement of Intent as to Community Engagement

#### **1. Aims and objectives**

Clayton Parish Council aim to work with all members and groups of the community by keeping them informed of events within the parish. Clayton aims to be an open and transparent Parish Council who listen to their electorate and try to make a difference to their community within its power and financial constraints.

#### **2. Community**

The Parish of Clayton has many voluntary organisations, three primary schools, four Churches and many businesses, along with the parishioners which include all age groups.

#### **3. Provisions of Information to the Community**

Clayton Parish Council has a website which is regularly updated ([www.clayton-pc.gov.uk](http://www.clayton-pc.gov.uk)) which includes all local events, news and information from the Parish Council such as minutes and agendas. The Annual Report is available at the Annual Parish Meeting and then also on the website. On the notice boards (inside the Village Hall and outside the Library) notices of meetings and Agendas are displayed. Minutes of meetings are also available from Clayton Library. Notices about annual accounts will be displayed on the notice boards providing opportunity for them to be viewed.

#### **4. Opportunities for Community Involvement**

At the start of each Parish Council meeting is 20 minutes for parishioners to raise any questions to the council. Each year in May Clayton holds its Annual Parish meeting which is a meeting for the electorate to have their say.

#### **5. Opportunities for formal representation to the Council**

At each Parish Council meeting, there will be a standing agenda item for public consultation and question time. This ensure that the electorate has an opportunity to raise any matters of concerns to the attention of the Parish Council. Clayton Parish Council meet on the third Thursday of every other month commencing in May each year. Any items for inclusion on the Agenda must be with the Parish Clerk 10-days prior to the meeting.

#### **6. Involvement in Partnerships**

Where appropriate the Parish Council has and will continue to liaise with other various organisations such as neighbouring parishes, Bradford Metropolitan District Council, South Pennine Association of Parish and Town Councils, Yorkshire Local Council Association, Police safety teams etc.

## **7. Role of Clayton Parish Councillors**

Parish Councillors exist to listen and represent the views of the community. A councillor's main role is to bring local issues to the attention of the council and help it make decisions on behalf of the local community.

## **8. Specific areas for Community Involvement**

The Parish Council is currently developing a 3-year Business Plan which will include opportunities for the community to be involved in project work and working groups.

## COMPLAINTS POLICY

### 1. Introduction

1.1 Not all queries or concerns raised are treated as 'complaints' and Clayton Parish Council is keen to ensure that any problems are resolved in an honest and effective way in order that they do not develop into complaints. If you are not satisfied with any of the Parish Council's services or the way in which your concern or query was handled you have the right to complain.

1.2 All complaints received by the Parish Council will be dealt with confidentially.

### 2. Purpose

2.1 The Parish Council is committed to providing a quality service to all its customers. However, there are instances when the public have complaints about the administration or procedures that are used by the Parish Council. As Councils are not subject to the jurisdiction of the local Ombudsman there is no independent body to which the complainant can turn to for an independent formal assessment of the position. This Parish Council has adopted a standard Complaints Procedure to provide a transparent, fair and confidential process for dealing with complaints made by members of the public.

### 3. Scope

3.1 The Complaints Procedure is applicable to complaints made by members of the public about the Parish Council's administration or procedures.

3.1 The Complaints Procedure does not apply to:

- a) Complaints about a member of the Parish Council's staff - these will be dealt with internally as an employment matter;
- b) Complaints made about individual Parish Councillors – breaches of the Members Code of Conduct should be reported to the Monitoring Officer of Bradford District Metropolitan Council;
- c) Complaints about the unlawfulness of the Parish Council – the complainant may apply to the courts for a judicial review;
- d) Accusation of financial wrong doing – should be reported to the Parish Council's external auditor;
- e) Any matter which raises suspicion of criminal wrong doing may be referred to the local Police authority.

#### 4. Code of Practice

4.1 All complaints should be put in writing/email to the Parish Clerk in the first instance. If the complaint is about the Parish Clerk these should be addressed to the Chairman.

4.2 If the complainant does not wish to address the complaint to the Parish Clerk they will be advised to address it to the Chairman of the Parish Council;

4.3 Acknowledgement of receipt of the written complaint will be provided within 7 days. The Parish Council aims to fully respond to the complaint within 28 working days, if this is not possible you will be advised of actions taken to date;

4.4 The Parish Clerk shall report at the next full Parish Council meeting any written complaint disposed of by direct action with the complainant;

4.5 The Parish Clerk shall bring any written complaint which cannot be resolved to the next full Parish Council meeting and the complainant will be informed of the date in which the complaint will be considered;

4.6 The Parish Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in private (in the absence of press and public), but any final decision on a complaint shall be announced at the Parish Council meeting in public;

4.7 As soon as the decision has been made the result will be communicated to the complainant in writing.

4.8 The Parish Council will not consider complaints made anonymously.

## GENERAL DATA PROTECTION REGULATION (GDPR)

### 1. INTRODUCTION

This policy applies to all employees. The Parish Council holds and processes information about employees, The General Data Protection Regulation (“GDPR”) will take effect in the UK from 25 May 2018. It replaces the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection regarding how their personal data is used by councils. Local councils and parish meetings must comply with its requirements, just like any other organisation.

The Parish Council shall notify all staff, Parish Councillors and other relevant data subjects of the types of data held and processed by the Parish Council concerning them, and the reasons for which it is processed. The information that is currently held by the Parish Council and the purposes for which it is processed are set out in section 8 to this Policy. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and section 8 will be amended.

### 2. STAFF RESPONSIBILITIES

The Clerk and any members of staff shall:

- 2.1 ensure that all personal information which they provide to the Parish Council in connection with their employment is accurate and up-to-date;
- 2.2 inform the Parish Council of any changes to information, for example, changes of address;
- 2.3 check the information which the Parish Council shall make available from time to time, in written or automated form, and inform the Parish Council of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Parish Council shall not be held responsible for errors of which it has not been informed.

When Parish Councillors and members of staff hold or process information about other data subjects they should comply with the Policy.

The Parish Clerk shall ensure that:

- a) all personal information is kept securely;
- b) personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party.

Unauthorised disclosure may be a disciplinary matter, and may be considered gross misconduct in some cases.

### **3. RIGHTS TO ACCESS INFORMATION**

3.1 Staff and other data subjects of the Parish Council have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Parish Clerk. The Parish Council will not make a charge for each official Subject Access Request under the Act.

3.2 The Parish Council aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within one calendar month.

### **4. SUBJECT CONSENT**

4.1 In some cases, such as the handling of sensitive information, the Parish Council is entitled to process personal data only with the consent of the individual. Agreement to the Parish Council processing some specified classes of personal data is a condition of employment for staff.

4.2 The Parish Council may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin, or trade union membership. The Parish Council may also require such information for the administration of the sick pay policy or the absence policy.

### **5. THE DATA CONTROLLER AND THE DATA PROCESSOR**

5.1 The Parish Council is the data controller under the Act, and the Parish Clerk is the data processor.

### **6. RETENTION OF DATA**

6.1 The Council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

### **7. COMPLIANCE**

7.1 Compliance with the Act is the responsibility of the Clerk and all members of Council. Any deliberate or reckless breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Parish Clerk.

7.2 Any individual, who considers that the policy has not been followed in respect of personal data about him, or herself, should raise the matter with the Parish Clerk initially. If the matter is not resolved it should be

referred to the Chair of the Parish Council.

## **PRIVACY POLICY**

### **1. Your personal data – what is it?**

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR) and other local legislation relating to personal data and rights such as the Human Rights Act.

### **2. Council information**

This Privacy Policy is provided to you by Clayton Parrish Council which is the data controller for your data.

- Is personal data collected from a website? If so what is the website address of the site that the user's personal data is collected from?
- Council address

### **3. Who are the data controllers?**

- Are there any joint controller arrangements? (If yes, include details of the essence of this arrangement)?
- other data controllers, such as local authorities i.e Bradford Council
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies

### **4. What personal is collected?**

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- [The data we process may include sensitive personal data or other special categories of data such as racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sex life or sexual orientation].

- Website data - Is activity information (including user behaviour data) collected? e.g.
  - Information from synching with other software or services
  - Interaction with social media (functional and/or marketing) and what information is available?
  - Information about payments
  - Access to social media profiles
  - Demographic information
- Information collected automatically from use of the service? e.g.
  - Device information (nature of device and/ or identifiers)
  - Log information (including IP address)
  - Location information (how is location collected/inferred)
  - Device sensor information
  - Site visited before arriving
  - Browser type and or OS
  - Interaction with email messages
- Information from other sources? (identify the sources) e.g.
  - Referral or recommendation programmes
  - Publicly accessible sources
- Information from cookies or similar technologies (incl. in-app codes) (including whether session or persistent) e.g.
  - Essential login/authentication or navigation
  - Functionality – remember settings
  - Performance & Analytics – user behaviour
  - Advertising/retargeting
  - Any third party software served on users
  - Other
- Nature of any outbound communications with website users
  - Email
  - Telephone (voice)
  - Telephone (text)

**5. The council will comply with data protection law. This says that the personal data we hold about you must be:**

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

**6. We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

**7. What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

## **8. Sharing your personal data**

The council will implement appropriate security measures to protect your personal data. This section of the Privacy Policy provides information about the third parties with whom the council will share your personal data. These third parties also have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

## **9. How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

## **10. Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- (i) The right to access personal data we hold on you***
- (ii) The right to correct and update the personal data we hold on you***
- (iii) The right to have your personal data erased***
- (iv) The right to object to processing of your personal data or to restrict it to certain purposes only***
- (v) The right to data portability***
- (vi) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
- (vii) The right to lodge a complaint with the Information Commissioner's Office.***

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **11. Transfer of Data Abroad**

Any personal data transferred to countries or territories outside the European Economic Area (“EEA”) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

## **12. Further processing**

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

## **13. Changes to this policy**

We keep this Privacy Policy under regular review and we will place any updates on this web page <http://www.clayton-pc.gov.uk/>

This Policy was last updated in May 2018.

## **14. Contact Details**

Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller Clayton Parish Council, Clayton Library, Old School House, Clayton Lane, Bradford, BD14 6AY

Email: [clerk@clayton-pc.gov.uk](mailto:clerk@clayton-pc.gov.uk)

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## **PRIVACY POLICY**

### **15. Your personal data – what is it?**

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR) and other local legislation relating to personal data and rights such as the Human Rights Act.

### **16. Council information**

This Privacy Policy is provided to you by Clayton Parrish Council which is the data controller for your data.

- Is personal data collected from a website? If so what is the website address of the site that the user's personal data is collected from?
- Council address

### **17. Who are the data controllers?**

- Are there any joint controller arrangements? (If yes, include details of the essence of this arrangement)?
- other data controllers, such as local authorities i.e Bradford Council, asst clerk
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies

### **18. What personal is collected?**

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- [The data we process may include sensitive personal data or other special categories of data such as racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sex life or sexual orientation].

- Website data - Is activity information (including user behaviour data) collected? e.g.
  - Information from synching with other software or services
  - Interaction with social media (functional and/or marketing) and what information is available?
  - Information about payments
  - Access to social media profiles
  - Demographic information
- Information collected automatically from use of the service? e.g.
  - Device information (nature of device and/ or identifiers)
  - Log information (including IP address)
  - Location information (how is location collected/inferred)
  - Device sensor information
  - Site visited before arriving
  - Browser type and or OS
  - Interaction with email messages
- Information from other sources? (identify the sources) e.g.
  - Referral or recommendation programmes
  - Publicly accessible sources
- Information from cookies or similar technologies (incl. in-app codes) (including whether session or persistent) e.g.
  - Essential login/authentication or navigation
  - Functionality – remember settings
  - Performance & Analytics – user behaviour
  - Advertising/retargeting
  - Any third party software served on users
  - Other
- Nature of any outbound communications with website users
  - Email
  - Telephone (voice)
  - Telephone (text)

**19. The council will comply with data protection law. This says that the personal data we hold about you must be:**

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

**20. We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

## **21. What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

## **22. Sharing your personal data**

The council will implement appropriate security measures to protect your personal data. This section of the Privacy Policy provides information about the third parties with whom the

council will share your personal data. These third parties also have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

### **23. How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **24. Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

***(viii) The right to access personal data we hold on you***

***(ix) The right to correct and update the personal data we hold on you***

***(x) The right to have your personal data erased***

***(xi) The right to object to processing of your personal data or to restrict it to certain purposes only***

***(xii) The right to data portability***

***(xiii) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***

***(xiv) The right to lodge a complaint with the Information Commissioner's Office.***

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### **25. Transfer of Data Abroad**

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## **27. Changes to this policy**

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## **28. Contact Details**

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The Data Controller Clayton Parish Council, Clayton Library, Old School House, Clayton Lane, Bradford, BD14 6AY

Email: [clerk@clayton-pc.gov.uk](mailto:clerk@clayton-pc.gov.uk)

## DIGNITY AT WORK/BULLYING AND HARASSMENT POLICY

### 1. Purpose and Scope

1.1 Statement: In support of our value to respect others, Clayton Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, Parish Councillors, contractors, visitors to the Parish Council or members of the public from the community which we serve. The Parish Council is committed to the elimination of any form of intimidation in the workplace.

1.2 In return Clayton Parish Council will treat all of its employees, officials, Parish Councillors, contractors, visitors to the Parish Council or members of the public from the community which we serve with dignity and respect.

1.3 This policy reflects the spirit in which the Parish Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Parish Council's policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.

1.4 The Parish Council will issue this policy to all employees as part of their induction and to all Parish Councillors as part of their Welcome Pack. The Parish Council may also wish to share this policy with contractors, visitors and members of the public.

### 1.5 Definitions

- i. Bullying - "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."
- ii. Harassment is "unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually 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.

1.5.1 These definitions are derived from the ACAS guidance on the topic. Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the Parish Council's reputation and ultimately, legal proceedings against the Parish Council and payment of legal fees and potentially unlimited compensation.

1.6 Examples of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of

physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

1.7 Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.8 Penalties: Bullying and harassment by any employed persons or Councillors can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Parish Council. If elected Parish Councillors are bullying or harassing employees, contractors, fellow Parish Councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Parish Council's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party, the Parish Council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the Parish Council should take appropriate legal advice, often available from the Parish Council's insurer, if such a matter arises.

1.9 The Legal position: Parish Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

1.10 Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

1.11 In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

## **2. Process for dealing with complaints of Bullying and Harassment**

2.1 Informal approach – Anyone; employee, contractor, Parish Councillor or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

### 2.2 Formal approach

2.2.1 Employees: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chairman of the Council and/or the Chairman of the Staffing Committee or another Parish Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

2.2.2 Others: Any other party to the Parish Council, other than an employee, who feels he or she is being bullied or harassed, should raise their complaint with the Parish Council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. A meeting of the Staffing Committee should be called and the complaint should then be investigated and the facts established to agree and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Parish Councillors or officers of the Parish Council should use the Parish Council's official Complaints Procedure. It is important that the Officer(s) or Parish Councillor(s) being complained about do not prevent the Parish Council operating impartially in its investigation and decision-making in this regard.

2.3 Grievance – Employees only - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Parish Council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the Staffing Committee of the Parish Council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Staffing Committee will establish a Hearing Panel who will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the council should contact the Yorkshire Association of Local Council (YLCA), an employer's body or ACAS to this effect or the Parish Council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by

the aggrieved party. The Parish Council will commit not to victimize the aggrieved for raising the complaint once the appropriate dispute resolution process has been concluded.

2.4 Disciplinary Action - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

2.4.1 For an Employee found to have been bullying/harassing others this will follow the Parish Council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.

2.4.2 For Parish Councillors who the Parish Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Parish Council activities the range of sanctions available to the Parish Council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases, counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee reviewing the evidence under the Code in place at the time.

2.4.3 A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases. This list is not exhaustive.

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

### **3. Responsibilities**

3.1 All parties to the Parish Council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. There needs to be agreement about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when individual Parish Councillors criticise staff, often without objective evidence, without the mandate from the corporate body of the Parish Council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in public places of the local community e.g local playground, school gates, after meetings etc.

3.2 The Parish Council undertakes to share its policy with all Parish Councillors and staff and request that each party signs to demonstrate acceptance of its terms. All new Parish Councillors and employees will be provided with a copy of this policy.

3.3 A review of the policy shall be undertaken as appropriate by the Staffing Committee on an annual basis and amendments will be undertaken by the Parish Clerk and reported to the full Parish Council for resolution.

3.4 The Parish Council will undertake to ensure that its Parish Councillors and staff are trained in the processes required by this policy as deemed appropriate.

#### **4. Useful contacts**

- ACAS [www.acas.org.uk](http://www.acas.org.uk) - 0845 747 47 47
- Local Government Ombudsman for England [www.lgo.org.uk](http://www.lgo.org.uk) - 0300 061 0614
- Equalities and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- Yorkshire Local Councils Association – [www.yorkshirelca.gov.uk](http://www.yorkshirelca.gov.uk)
- DirectGov website [www.gov.uk](http://www.gov.uk)

## DISCIPLINARY PROCEDURE

### 1. PURPOSE AND SCOPE

This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

[https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

### 2. PRINCIPLES

This policy confirms:

- informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
- employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
- employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
- employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend

any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions

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

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

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

Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.

- unauthorised absence
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules. The following list provides examples of offences which are normally regarded as **gross misconduct**:

Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

#### 4. Suspension

If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.

While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not

contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.

The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

## **5. Examples of unsatisfactory work performance**

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

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

## **6. The Procedure**

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

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

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

## **7. Disciplinary investigation**

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

If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from

outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

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

The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).

The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.

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 no further action under the Council's disciplinary procedure

- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
- the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.

The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.

If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **8. The disciplinary meeting**

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

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

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

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

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chairman will invite the employee to present their account

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up

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 further investigated by the sub-committee.

### **9. Disciplinary action**

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

#### **First written warning**

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

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

### **10. Final written warning**

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

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

## 11. 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.

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

## 12. The appeal

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.

- 1 The grounds for appeal include;
  - a failure by the Council to follow its disciplinary policy
  - the sub-committee's disciplinary decision was not supported by the evidence
  - the disciplinary action was too severe in the circumstances of the case
  - new evidence has come to light since the disciplinary meeting.
- 2 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
- 3 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- 4 At the appeal meeting, the Chairman will:
  - introduce the panel members to the employee

- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
  - explain the action that the appeal panel may take.
- 5 The employee (or companion) will be asked to explain the grounds for appeal.
  - 6 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
  - 7 The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
  - 8 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.
  - 9 The appeal panel's decision is final.

## EQUALITY POLICY

### 1. INTRODUCTORY STATEMENT

Clayton Parish Council aims to ensure that no job applicant or worker receives less favourable treatment on the grounds of race, colour, gender orientation, nationality, religion, ethnic or national origin, age, gender, gender reassignment or marital status, sexual orientation or disability. Selection criteria and procedures are regularly reviewed to ensure that individuals are treated on the basis of their relevant merits and abilities. All workers will be given equal opportunity and access to training to enable them to progress both within and outside the organisation. The Council is committed to a programme of action to make this policy effective and will bring it to the attention of employees.

### 2. IMPLEMENTATION

In order to meet these aims Clayton Parish Council will undertake the following:

#### a) Employment

- All workers and job applicants will be treated equally. There will be no discrimination on these grounds in the terms and conditions offered to workers or job applicants.
- All individuals will be selected and treated on the basis of their relevant merits, skills and abilities. This principle will apply to recruitment, promotion, training and development.
- A standard application form will be used and short listing/interviewing will be conducted objectively by at least two people using the same criteria.
- The selection process will be reviewed from time to time to ensure that the process is based upon skills, knowledge and abilities which are appropriate to the particular job.
- An appropriate procedure will be put in place to deal with discipline and grievances and this will be reviewed regularly.

#### b) Training and Development

- Training opportunities will be made on a non-discriminatory basis.
- Annual appraisals of all staff will be undertaken together with a survey of skills interests and experience.
- A commitment to training and development will be incorporated into the annual budget and work planning.

**c) Service Delivery**

- Clayton Parish Council will strive to ensure that the services it offers are accessible and follow equal opportunities principles.
- Clayton Parish Council will review publications and written information, including its website, to reflect its commitment to equal opportunities and diversity.
- Reports and written material will be monitored and made available in other formats where possible (eg. Large print on request).

**d) Monitoring**

- Monitoring will be central to this policy both in recruitment of staff and delivery of services.
- Appropriate records will be kept and reports will be made to the Council or its committees/sub-committees as appropriate.

**e) Positive Action**

- Should inequalities become apparent, positive action may be taken, in the best interests of the organisation, to redress the imbalance, wherever possible.
- Staff who feel that they have been discriminated against may use the Council's grievance procedure.
- All other users and stakeholders may use the Council's complaints procedure if they feel that they have been discriminated against.

*Date of adoption 21<sup>st</sup> January 2016*

## EXPENSES POLICY

Clayton Parish Council will provide reimbursements for all or some of the expenses the Clerk and other staff, and the Chairman or Parish Councillors may meet on its behalf when incurred in performing the duties required by the Council, such as attending training or meetings on behalf of the Council.

The chairman of the council will receive a 'Chairman's allowance', (see section 2) a small sum allocated in accordance with the remuneration Committee of the principle council, to help pay for activities undertaken in the role of chairman such as attendance at civic events and gifts for special visitors.

All other expense claims must be submitted using the Travel and Expenses Claim form and accompanied by receipts.

### 1. Parish Clerk (and staff) Expenses

The Parish Clerk will be able to claim the following expenses:

Travelling and associated travel expenses on journeys on council business to include mileage at current NJC rates and parking;

Subsistence which may include overnight accommodation and meals incurred in the performance of Parish Council business ("other expenses") provided that the other expenses have been receipted and approved by the Parish Council;

Small purchases such as postage or supplies in accordance with Financial Regulations.

### 2. Chair's Expenses

The Chairman can be allocated a small annual allowance to defray the expenses of his/her office, for example attending civic events or meeting with neighbouring parish council chairman. In 2018/19, this budget was approved at £300.

### 3. Parish Councillors' Expenses

Parish Councillors are unpaid and only elected councillors may receive an annual allowance if agreed by the Parish Council. In 2016/17, there was no budget provision for councillor allowances.

Parish Councillors (including the Chairman) may be reimbursed for expenses for travel and subsistence on Parish Council business outside the parish:

- i. Travelling and associated travel expenses on journeys on council business to include mileage at current NJC rates and parking;
- ii. For the purpose of making mileage claims, councillors are permitted to claim for "allowable journeys" only – made with the prior approval of the Parish Council;

- iii. All claims are to be made promptly to the Parish Clerk (within 2 months of expenditure) and where relevant MUST be accompanied by a receipt;
- iv. Parish Councillors may be reimbursed for purchases made on behalf of the Parish Council – made with the prior approval of the Parish Council.

## GRANT FUND POLICY

### 1. Introduction

Parish Council Grant Aid funding is intended for projects which are unlikely to find another form of funding and can be given to any person or group which has a project or need to hire/purchase an item to help with their work for the benefit of the community.

There is NO minimum to the value applied for under this fund and the maximum value awarded is £4,000 (unless otherwise approved by the Parish Council for one-off larger scale projects that will benefit the wider community).

To apply for a grant up to £500 you need to fill out a simple form explaining what you are doing along with a breakdown and costs of what you need the funding for.

To apply for a grant above £500 you will be asked to complete a more detailed form and for any single item within your costing over the value of £1,000.00 you may be asked to supply 3 competitive quotes.

### 2. Regulations

We may decide to provide you with items which you need rather than give you money. If the grant required is part funding of a project, we need to know the total cost of the project and details of any other funding which you expect to receive for the project.

If you are applying for a grant in excess of £500 on behalf of a group/charity which is required to publish accounts, you should provide us with a copy of your last accounts.

After the completion of the project, you will be required to supply us with actual costs as well as a description of the actual benefit of this project to the community.

The organisation must agree to acknowledge the contribution of Clayton Parish Council in any publicity material produced relating to the supported scheme and we may ask you to attend a future Council meeting or Annual Parish Meeting to share your experience and the benefit provided to the community.

We realise that some applicants may not have sought funding before. The following pages give notes on costing your project and on how to present your figures to the Parish Council or other funding body.

Grant applications must be submitted to the Clerk of the Council at least 14 days prior to the Parish Council meeting.

### 3. Costing your project

Costing your project properly is time well spent and can be used as a tool to help in the success of your project. All you need to do is ask yourself some simple questions and the answers will give you the basis for your costing.

- What do I intend to achieve with my project?
- What items do I need to achieve this?
- Which can I hire, which must I buy?
- Do I need people to help?
- What will I need to provide for them?
- Do I need to follow any Health and Safety regulations or acquire any permissions?
- Do I need insurance?
- How much will it all cost?
- Will there be any income from the project?
- How much funding will I need?
- Where can I get it from?

Once you have answered these questions you need to be able to present your answers in a clear understandable way.

## 5-Step Approach

### Step 1

First you must make a list of your EXPENSES. The best way to do this is to group your answers into some sort of order, e.g., posters, flyers, newspaper adverts could all be classed as advertising. It is not necessary to itemise everything, i.e., if catering, just enter the total that you would expect to spend on food, not each individual item. This is your COSTING.

### Step 2

Total up each group and then do a total. Remember, if the scheme is for a large project covering several items of expenditure, it may be wise to include a contingency fund of 10% of the total in a GRAND TOTAL This is your BUDGET.

### Step 3

Next you need to list any INCOME that there may be from the project and decide if this can help fund any of the EXPENSES. If so take the total income from the total expenses – this will leave you with the amount that you need to complete this project. This amount will need to be met from your own resources or from funding. Decide on the most appropriate form of funding. You may wish to apply to a number of bodies for partial funding.

### Step 4

#### KEEPING TRACK OF YOUR EXPENSES

As the project progresses, note down what is actually spent in each group, keeping a running total for each group. You will then know if you have enough money to complete the project or if you need to make savings in some areas or look for more funding.

### Step 5

#### ON COMPLETION OF YOUR PROJECT

After the project is completed, fill in the actual COSTS. Write a short report on the benefit that your project provided. These two things will help you to see if your project was cost effective, if your costing was correct and may be useful in applying for future funding.

## GRIEVANCE POLICY

### 1. INTRODUCTION

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

3. This policy confirms:

- employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
- the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits must be agreed by the employee and the Council
- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)

- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of [[ ] council] who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

**Informal grievance procedure**

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

**Formal grievance procedure**

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

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

**Investigation**

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

8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

**Notification**

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:

- the names of its Chairman and other members
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official

- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

### **The grievance meeting**

10. At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness • the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

### **The appeal**

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy

- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.
- 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.

14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.

15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

16. At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
- explain the action that the appeal panel may

17. The employee (or companion) will be asked to explain the grounds of appeal.

18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.

20. The decision of the appeal panel is final.

## HEALTH AND SAFETY POLICY

### **1. GENERAL STATEMENT OF POLICY**

Clayton Parish Council believes that Health & Safety performance is an integral part of the efficient and cost effective discharge of its duties and is fully aware of its responsibilities under the “Health & Safety at Work etc. Act 1974” and other statutory provisions. The Parish Council therefore intends to meet those responsibilities as far as is reasonably practicable by incorporating good health & safety management within all its operations.

The objective of the Parish Council policy is to minimise risks to health, safety and welfare of its employees, voluntary workers, general public and others affected by its activities and to minimise risks to the environment. All reasonable measures will be taken to ensure that a safe working and community environment is created.

Members of the Parish Council have the responsibility for implementing this Policy and must ensure health and safety considerations are always given priority in planning and day-to-day supervision of work. All employees and voluntary workers are expected to co-operate in carrying out this policy throughout the Parish Council’s activities and must ensure that their own work, so far as is reasonably practicable, is carried out without risk to themselves or others.

All employees, voluntary workers and contractors associated with any works carried out by the Parish Council will be made aware of this policy and the importance of commitment to its objectives. The organisation and arrangements for implementing the Policy are set out in the Policy document. The Policy will be kept up to date in response to changes in legislation or best practice. To ensure this, the Policy and the way in which it has operated, will be reviewed annually or as the need arises.

### **2. Duties and Responsibilities of Parish Councillors**

All Parish Councillors are jointly responsible for the implementation of this Health & Safety Policy, for monitoring the day-to-day administration of the Parish Council’s affairs, and ensuring that all insurance policies are in date. In doing so, they will ensure that:

- a) A copy of this policy is circulated to all employees and voluntary workers on appointment. Opportunity will be given, if requested, to discuss this policy on an individual basis to ensure that it is fully understood and implemented;
- b) The Parish Council's activities are monitored to ensure that the objectives of the Health & Safety Policy are being complied with;
- c) Contracts of employment include compliance with statutory and company health, safety & environmental requirements;
- d) All staff have adequate competence and training for carrying out their specific jobs and for ensuring the health, safety and welfare of themselves and those around them;

- e) Employees and voluntary workers are aware of the hazards which may exist within the operation of their tasks, and that they fully understand and observe all aspects of the Parish Council's Health & Safety Policy;
- f) No employee or voluntary worker shall be engaged in any work activity where technical knowledge or experience is necessary to prevent danger or injury unless he or she possesses such knowledge or experience, or is under supervision of a competent person having regard to the nature of the work;
- g) Safe methods of work are adopted.
- h) All suppliers comply with Section 6 of the Health & Safety at Work Act (HASAWA) in supplying articles and substances that are safe and without risk to health when properly used and to provide information to enable them to be properly used;
- i) Any accidents arising out of the Parish Council's activities are recorded, reported and investigated as detailed in the accident reporting procedure;
- j) Regular inspections of equipment are carried out and necessary records kept;
- k) Duties and Responsibilities of all Employees and Voluntary Workers
- l) Employees and voluntary workers have a responsibility to conform to the Parish Council policy and with the Health & Safety at Work etc. Act 1974 and associated legislation.
- m) Employees and voluntary workers have a statutory duty to take reasonable care of the safety and health of themselves and others who may be affected by their acts or omissions and to cooperate with the company to enable it to fulfil statutory obligations. They should also ensure that they are physically fit and technically responsible for the work requested of them.
- n) Employees and voluntary workers have responsibility for properly using any safety devices involved in their work. They will not recklessly interfere with or misuse anything provided in the interests of health, safety and welfare.
- o) All accidents and near miss incidents shall be reported to the Parish Clerk, and recorded in the Parish Council accident book as soon after the event as possible. Employees and voluntary workers will also cooperate with the management in investigating all accidents and near misses.
- p) Employees and voluntary workers must request assistance or advice about any area of work that they are not familiar with.

### **3. Duties and Responsibilities of all Contractors**

Contractors must comply with the following:

- a) Any contractors employed by the Parish Council shall be responsible for conducting themselves safely at all times and in complying with the Parish Council's Health & Safety Policy.
- b) Any work carried out must be fully in compliance with statutory legislation and Codes of Practice to ensure the health and safety of their own employees and others on and off site.
- c) All tools and equipment that they bring onto site must be safe and in sound working order. All necessary guards and safety devices must be in place and necessary certificates must be available for checking.

- d) Any injury sustained whilst on site must be reported to the Parish Clerk immediately.
- e) All electrical equipment must have a valid Portable Appliance Test certificate.
- f) The contractor must carry adequate public liability insurance.
- g) Contractors must provide written risk assessments and method statements where necessary, before commencing work for or on behalf of the Parish Council.

#### **4. Duties and Responsibilities to all Visitors**

The Parish Council owes a duty of care to visitors to the Parish Council controlled areas of the village. Parish Councillors will ensure so far as is reasonably practicable that safe access is available and that areas are maintained in a safe condition.

### **5. ARRANGEMENTS**

#### **5.1 Enforcement agency**

The enforcement agency for Local Authorities is the Health & Safety Executive. Any site visit carried out by Statutory Inspectors shall be co-ordinated with the full co-operation of Parish Councillors and any recommendations carried out as soon as reasonably practicable.

#### **5.2 Risk Assessments**

Generic risk assessments will be co-ordinated by the Parish Clerk for all public areas and assets controlled by the Parish Council. These assessments will be recorded, monitored and reviewed where necessary.

#### **5.3 Accident Reporting**

The Parish Clerk must be notified immediately if an accident occurs to anyone whilst on Parish Council business. This includes Parish Councillors, employees, voluntary workers, visitors, contractors etc. The Parish Clerk will provide an accident form which must be completed and returned to the Parish Clerk. The Parish Clerk will ensure that the requirements of RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) are complied with. Where required, accidents and near misses shall be investigated by the Parish Clerk and remedial actions recommended to the Parish Council where necessary. Where the activity which gave rise to the accident is under the control of a nominated Parish Councillor then that person shall assume the responsibilities of the Parish Clerk in the preceding paragraph.

#### **5.4 Provision and Use of Work Equipment**

If equipment provided by the employer is damaged or faulty the employee is responsible for the immediate return or report of such equipment to the employer for repair or replacement (Provision and use of Work Equipment Regulations 1998). If the equipment is lost or damaged through negligence, there is an onus on the employee to report such loss or damage immediately.

### 5.5 Procurement of Materials, Equipment & Contractors

Anyone who purchases or hires materials, equipment or contractors on behalf of the Parish Council must ensure that they have read and fully understand this health and safety policy. All suppliers are asked to provide full information on any hazards associated with the equipment or materials supplied and any precautions required. This information must then be passed on to the Parish Clerk in order to be recorded.

### 5.6 Violence/Personal Safety

So as to avoid violence and aggression from members of the public or contractors, all employees and Parish Councillors should avoid getting into a confrontational situation. Always remain polite, but back off from situations that are potentially dangerous. Any incidents should be reported to the Parish Clerk who may call the police, if it is considered necessary.

### 5.7 Inspections & Documentation Review

An annual inspection of village assets will be carried out and the findings recorded. Any serious defects / items for attention must be actioned immediately. Activity risk assessments, the health and safety policy document and all other health and safety documentation will also be reviewed annually taking into account any changes in personnel, procedural or physical changes.

### 5.8 Legislation

The following legislation may affect Clayton Parish Council employees, voluntary workers, visitors and contractors:

## 6. Health & Safety Legislation

- THE HEALTH & SAFETY AT WORK ACT 1974
- THE MANAGEMENT OF HEALTH & SAFETY AT WORK REGULATIONS 1999
- PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998
- HEALTH & SAFETY (DISPLAY SCREEN EQUIPMENT) REGULATIONS 1992
- WORKPLACE (HEALTH, SAFETY AND WELFARE) REGULATIONS 1992
- PERSONAL PROTECTIVE EQUIPMENT AT WORK REGULATIONS 1992
- REPORTING OF INJURIES, DISEASES AND DANGEROUS OCCURRENCES REGULATIONS 1995 (R.I.D.D.O.R)
- ELECTRICITY AT WORK REGULATIONS 1989
- CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2002 (COSHH)
- HEALTH & SAFETY (FIRST AID) REGULATIONS 1981
- FIRE PRECAUTIONS ACT 1971
- FIRE PRECAUTIONS (WORKPLACE) REGULATIONS 1997
- HEALTH & SAFETY (CONSULTATION WITH EMPLOYEES) REGULATIONS 1996;
- OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

This is not a definitive list and other legislation may be relevant.

## INFORMATION SECURITY POLICY

### 1. INTRODUCTION

This policy sets out the Parish Council's position of the use of the Internet, email and other Parish Council computer systems and data contained therein. Any deliberate breach of this policy will be dealt with under the Disciplinary Policy.

### 2. Internet Usage

The use of the Internet by staff is permitted and encouraged where such use is part of the normal execution of an employee's job responsibilities. The Internet is to be used in a manner that is consistent with the Parish Council's standards of conduct. Any information (including email messages) that has been downloaded from the Internet by whatever means should be checked for computer viruses before being loaded onto the Parish Council computer(s). This policy is necessary in order to avoid the Parish Council's information systems being subjected to computer hacking and software viruses.

### 3. Appropriate Usage

The Parish Council's computer connections are to be used for the Parish Council's business/provision of services. Connections to the Internet must only be via IT equipment authorised for the purpose. There is no automatic right to use email for personal use even if it is paid for. The Parish Council reserves the right to periodically examine Parish Council's own computer equipment, directories, files and their contents to ensure compliance with the law and with Parish Council policies.

### 4. Non-permitted Usage

The following is not allowed. This list is not exhaustive:

- i. Downloading any software or electronic files without the required virus protection measures in place;
- ii. Making or posting indecent remarks and proposals;
- iii. Visiting Websites that contain obscene, hateful or other objectionable material or distributing and forwarding such material;
- iv. Soliciting for personal gain or profit;
- v. Gambling;
- vi. Conducting illegal activities;
- vii. Hacking, ie attempting unauthorised access into or intentionally interfering with any Internet/Intranet gateway/system/server;
- viii. Uploading/downloading commercial software in violation of its copyright;
- ix. Receiving newsgroup emails that are unrelated to the business of the Parish Council;
- x. Sending electronic "chain letters".

## **5. Security**

Nothing confidential is to be sent via email. All information received/retrieved over the Internet must be authenticated and / or validated before being used in the services of the Parish Council. All staff must report Internet security weaknesses that they become aware of to the Parish Clerk or the Chair of the Council. The distribution of any information through the Internet, the Web, computer-based online services, email and messaging systems is subject to the scrutiny and approval of the Parish Council, which reserves the right to determine the suitability and confidentiality of information disseminated.

## **6. Virus Protection**

The Internet and email are high risk sources of computer virus infections. It is essential that all material received over the Internet and via email is checked before use or distribution. In particular, email attachments must be virus checked before distributing further. Viruses that are detected must be reported to the Parish Clerk or the Chairman of the Council. The Parish Council also has the responsibility not to distribute viruses. Consequently, items dispatched over the Internet must be checked to ensure that they are virus free. The final responsibility for virus checking will always remain with the user.

## **7. Passwords**

Laptops and email passwords should be changed regularly and should contain at least 1 capital letter and 1 numerical character to ensure the passwords are "strong". The passwords will be known only to the Parish Clerk and Chairman of the Council.

## **8. Information Disclosure Rules and Individuals Liability**

Members of staff are prohibited from revealing or publicising proprietary, confidential or personal information via the Internet that they have not been specifically authorised to do so. Such information includes but is not limited to:

- a) Financial information not already publicly disclosed through authorised channels;
- b) Client information;
- c) Operational information;
- d) Information provided to the Parish Council in confidence or under a non-disclosure agreement;
- e) Computer access codes and similar or related information that might assist unauthorised access;
- f) Legal proceedings;
- g) Information that might provide an external organisation with a business advantage;
- h) Computer programs;
- i) Databases and the information contained therein.

## PUBLICATION SCHEME

The following information is available from Clayton Parish Council under the model publication scheme.

Information will be provided within 21 days of receipt of request where the information is requested in hard copy or email format. Appointments must be made when requestors wish to inspect the information held at the registered Parish Council offices.

Information to be published	How the information can be obtained	Cost
<p><b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>		
Who's who on the Council and its Committees	<p>Information available on the parish council's website. <a href="http://www.clayton-pc.gov.uk/?page_id=20">http://www.clayton-pc.gov.uk/?page_id=20</a> Further information can be obtained from the Clerk's Office. See contact information.</p>	Hard copies charged at 10p per A4 B&W copy
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))	<p>Information on the website <a href="http://www.clayton-pc.gov.uk">www.clayton-pc.gov.uk</a> Email: <a href="mailto:clerk@clayton-pc.gov.uk">clerk@clayton-pc.gov.uk</a></p>	Hard copies charged at 10p per A4 B&W copy
Location of main Council office and accessibility details	<p>Information on the website <a href="http://www.clayton-pc.gov.uk">www.clayton-pc.gov.uk</a></p>	Hard copies charged at 10p per A4 B&W copy
Staffing structure	<p>Two members of staff - Clerk who is also Responsible Finance Officer and assistant clerk/volunteer co-ordinator</p>	

<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)		
Current and previous financial year as a minimum		
Annual return form and report by auditor	Hard copy	Hard copies charged at 10p per A4 B&W copy
Finalised budget	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Precept	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Borrowing Approval letter	n/a	
Financial Standing Orders and Regulations	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Grants given and received	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
List of current contracts awarded and value of contract	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Members' allowances and expenses	Hard copy	Hard copies charged at 10p per A4 B&W copy
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
Parish Plan (current and previous year as a minimum)	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Hard copy and website	Hard copies charged at 10p

		per A4 B&W copy
Quality status	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Local charters drawn up in accordance with BMDC guidelines	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)  Current and previous council year as a minimum	(hard copy or website)	
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Agendas of meetings (as above)	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Responses to consultation papers	Hard copy	Hard copies charged at 10p per A4 B&W copy
Responses to planning applications	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Bye-laws	n/a	

<p><b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)</p> <p>Current information only</p>	(hard copy or website)	
<p>Policies and procedures for the conduct of council business:</p> <p>Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements</p>	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<p>Policies and procedures for the provision of services and about the employment of staff:</p> <p>Internal policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)</p>	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<p>Information security policy</p>	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<p>Records management policies (records retention, destruction and archive)</p>	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<p>Data protection policies</p>	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<p>Schedule of charges (for the publication of information)</p>	Hard copy and website	Hard copies charged at 10p per A4 B&W copy

<b>Class 6 – Lists and Registers</b> Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Assets Register	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Register of members' interests	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
Register of gifts and hospitality	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)  Current information only	(hard copy or website; some information may only be available by inspection)	
Allotments	Hard copy and website Allotments Working Group	Hard copies charged at 10p per A4 B&W copy
Burial grounds and closed churchyards	n/a	
Community centres and village halls	n/a	
Parks, playing fields and recreational facilities	n/a	
Seating, litter bins, clocks, memorials and lighting	n/a	
Bus shelters	n/a	
Markets	n/a	
Public conveniences	n/a	

Agency agreements	n/a	
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Hard copy and website	Hard copies charged at 10p per A4 B&W copy
<b>Additional Information</b> This will provide Councils with the opportunity to publish information that is not itemised in the lists above		
None		

<p><b>Contact details:</b> Ms Claire Hepton Parish Council Clerk and Responsible Finance Officer</p> <p>Registered office: Clayton Parish Council Clayton library and information centre Clayton Lane Bradford BD14 gAY</p>	<p>Phone: 01274 813134 Email: clerk@clayton-pc.gov.uk</p>
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### SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying @ 10p per sheet (black & white)	Paper = 1.5p per sheet Ink = 5.5p per sheet Time = 25p per minute *Actual cost 32p
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)

\* the actual cost incurred by the public authority

## RETENTION OF DOCUMENTS POLICY

### 1. Introduction

Clayton Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Council.

This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- **Scope**
- **Responsibilities**
- **Retention Schedule**
- **Scope of the policy**

This policy applies to all records created, received or maintained by Clayton Parish Council in the course of carrying out its functions. Records are defined as all those documents which facilitate the business carried out by Clayton Parish Council and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically. A small percentage of Clayton Parish Council's records will be selected for permanent preservation as part of the Council's archives and for historical research.

### 2. Responsibilities

Clayton Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory environment. The person with overall responsibility for the implementation of this policy is the Clerk to Clayton Parish Council, and she is required to manage the Council's records in such a way as to promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely manner.

### 3. Retention Schedule

Under the Freedom of Information Act 2000, Clayton Parish Council is required to maintain a retention schedule listing the record series which it creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use.

The Clerk is expected to manage the current record keeping systems using the retention schedule and to take account of the different retention periods when creating new record keeping systems. This retention schedule refers to record series regardless of the media in which they are stored.

### 4. Document Minimum Retention Reason

- a) Minute Books Indefinite Archive
- b) Annual Accounts Indefinite Archive
- c) Annual Return Indefinite Archive

- d) Bank statements 7 years Audit/management
- e) Cheque book stubs Last completed audit Management
- f) Paying in books Last completed audit Management
- g) Quotations 7 years Audit
- h) Paid invoices 7 years Audit/VAT
- i) VAT records 7 years Audit/VAT
- j) Salary records 7 years Audit
- k) Tax & NI records 7 years Audit
- l) Insurance policies Whilst valid Audit
- m) Cert of Employers Liability 40 years Audit/legal
- n) Cert of public liability 40 years Audit/legal
- o) Assets register Indefinite Audit
- p) Deeds, leases Indefinite Audit
- q) Booking policy 7 years Management
- r) Copies of bills to hirers 7 years Management/audit

### **5. Planning Applications**

All planning applications and relevant decision notices are available at DDDC. There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the Council minutes and are retained indefinitely. Correspondence received in connection with applications will be retained in accordance with the Routine Documents/Correspondence policy below:

### **6. Routine Documents/Correspondence**

Declarations of acceptance: Term of Office + 1 year (Filing management)

Complaints: 1 year (Filing management)

General information: 3 months (Filing management)

Routine correspondence & e-mails: 6 months (Filing management)

### **7. Disposal procedures**

All documents that are no longer required for administrative reasons should be shredded and deleted entirely from the Council's computer system(s).

*The Retention of Documents Policy was adopted at the Council meeting on 21<sup>st</sup> January 2016*

## SOCIAL MEDIA POLICY

### 1. Introduction

The aim of this Policy is to set out a Code of Practice is to provide guidance to Clayton Parish Councillors and staff in the use of online communications, collectively referred to as social media. Social media is a collective term used to describe methods of publishing on the internet. The policy covers all forms of social media and social networking sites which include (but are not limited to):

- Parish Council Website
- Facebook, and other social networking sites
- Twitter and other micro blogging sites
- Youtube and other video clips and podcast sites
- LinkedIn
- Bloggs and discussion forums
- Parish Council Emails

The principles of the Policy apply to Parish Councillors and all staff employed by the Council. It is also intended for guidance for others communicating with the Parish Council. The policy sits alongside relevant existing policies which need to be taken into consideration.

The use of social media is not to replace any existing forms of communication. The website and other forms of social media will be used to enhance communications. Therefore existing means of communication should continue with social media being an additional option.

Aspects of the Members' Code of Conduct apply to online activity in the same way it does to other written or verbal communication. Online content should be objective, balanced, informative and accurate. What you write on the web is permanent.

In the main, councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using their websites for electoral campaigning and extra care needs to be taken when writing on planning matters, see further notes below. (Adapted from CivicSurf's Legal Guidance for councillor blogs).

### 2. Clayton Parish Council Social Media Policy

- a) The Council will establish a Social Media Working Group who will act as nominated moderator(s). They will be responsible for posting and monitoring of the content ensuring it complies with the Social Media Policy. The moderator will have authority to remove any posts made by third parties from our social media pages which are deemed to be of a defamatory, libel nature. Such post will also be reported to the Parish Council Chairman and the and also the Clerk.
- b) The Social Media Working Group will also appoint a nominated "Webmaster" to maintain and update the Parish Council Website

The social media may be used to:

- i. Post minutes and dates of meetings
- ii. Advertise events and activities
- iii. Good news stories to linked website or press pages
- iv. Vacancies
- v. Retweeting or 'share' information from partners i.e. Police, Library, Bradford Metropolitan District Council and Health etc.
- vi. Announcing new information
- vii. Post or Share information from other Parish related community groups/clubs/associations/bodies e.g. Schools, sports clubs and community groups
- viii. Refer resident queries to the clerk and all other councillors

Facebook will be used to support the website information above and use of the official clayton-pc.gov.uk emails will be used to distribute information of council business.

Individual Parish councillors are responsible for what they post. Councillors are personally responsible for any online activity conducted via their published e-mail address which is used for council business. Councillors are strongly advised to have separate council and personal email addresses and all Parish Council business must be undertaken using the official clayton-pc.gov.uk email account provided to all staff and councillors.

### **Code of Practice**

Guidance when using social media (including email).

- c) All social media sites in use should be checked and updated on a regular basis and ensure that appropriate security settings are in place.
- d) When participating in any online communication;
  - i. Be responsible and respectful; be direct, informative, brief and transparent.
  - ii. Always disclose your identity and affiliation to the Parish Council. Never make false or misleading statements.
  - iii. Parish Councillors should not present themselves in a way that might cause embarrassment. All Parish Councillors need to be mindful of the information they post on sites and make sure personal opinions are not published as being that of the Council or bring the Council into disrepute or is contrary to the Council's Code of Conduct or any other Policies.
  - iv. Keep the tone of your comments respectful and informative, never condescending or "loud." Use sentence case format, not capital letters, or write in red to emphasis points.
  - v. Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age or religion or belief should not be published on any social media site.
  - vi. Avoid personal attacks, online fights and hostile communications.
  - vii. Never use an individual's name unless you have written permission to do so.

- viii. Permission to publish photographs or videos on social media sites should be sought from the persons or organisations in the video or photograph before being uploaded.
  
- e) Respect the privacy of other councillors and residents.
- f) Do not post any information or conduct any online activity that may violate laws or regulations, see below libel and copyright.
- g) Residents and Councillors should note that not all communication requires a response.
  - i. There will not be immediate responses to communications as they may be discussed by the Parish Council and any official responses will be agreed by the Parish Council.
  - ii. The Parish Clerk and the moderators will be responsible for all final published responses.
  - iii. If a matter needs further consideration it may be raised at either the open forum or as a full agenda item for consideration by a quorum of Councillors. Again the 'poster' shall be informed via the page or direct message that this is the case.
  - iv. If the moderator feels unable to answer a post for example of a contentious nature this shall be referred to the Parish clerk. The 'poster' will be informed by way of response to this fact and also be invited to correspond with the Parish Clerk directly.
  - v. Some communication from residents and other third parties may be required to be discussed at a Parish Council meeting. When this is necessary the item will be placed on the next available agenda. Any response will then be included in the minutes of the meeting.
- h) The nominated moderator or moderators shall remove any negative posts which may contain personal and inflammatory remarks, libel or defamatory information without further comment or notification.
- i) Councillors or residents who have any concerns regarding content placed on social media sites should report them to the Clerk of the Council. Misuse of such sites in a manner that is contrary to this and other policies could result in action being taken.
- j) The Policy will be reviewed annually.

### **3. Additional background information (IDeA) 2010**

#### **Libel**

If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

#### **Copyright**

Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against you.

**GDPR**

Avoid publishing the personal data of individuals unless you have their express written permission.

**Bias and pre-determination**

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

**Electoral periods**

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk) [www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents)

**The council's legal position**

Material published by a local authority as an organisation is, for obvious reasons, restricted in terms of content. It must not contain party political material and, in relation to other material, should not persuade the public to a particular view, promote the personal image of a particular councillor, promote an individual councillor's proposals, decisions or recommendations, or personalise issues. Nor should the council assist in the publication of any material that does any of the above.

**The Members' Code of Conduct**

Councillors can have 'blurred identities, you may have a social media account where you comment both as a councillor and as an individual. Ensure it is clear when you are posting in a private capacity or as a councillor. Such blurred identities might for example have implications where your views are taken as those of your organisation or political party, rather than your personal opinion. There is the need to get social media accounts/ profiles clear, to be confident as to what you can and can't say while you are representing the Parish Council.

How you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors are expected to communicate politically. There is a difference between communicating on behalf of the council, for example blogging as a councillor or as a private citizen and the former will be held to a higher standard than the latter. The key to whether your online activity is subject to the Code of Conduct is whether you are giving the impression that you are acting as a councillor. And that stands whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

This may be less than clear if you have a private blog or a Facebook profile. There are a number of factors which will come into play which are more a question of judgment than a hard and fast line. For example, a Standards Committee may take into account how well known or high profile you are as a councillor, the privacy settings on your blog or social

networking site, the content of the site itself and what you say on it. Most councillors are using their online profile to communicate with citizens about representing their local area so engaging the code, if necessary, should be a relatively straightforward decision. Since the judgment of whether you are perceived to be acting as a councillor will be taken by someone else, it's safest to assume that any online activity can be linked to your official role.

Unless you've gone to significant effort to keep an online persona completely separate from your councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

Some of the terminology in social media, like 'following' or 'friending' can imply an intimacy that's not really there. Both terms just mean you have linked your account to someone else so you can share information. Savvy internet users are used to this, but some people can feel a frisson of unease when their council, local police service or councillor begins following them on Twitter before establishing some sort of online relationship. Some councillors wait to be followed themselves first. Do make use of other communication functions that social media allows you. Twitter's 'list' function, for example, can help you to follow local people in a less direct way. And bloggers are almost invariably happy for you to link to them, so you don't need to ask first in this instance.

Social media is transparent. The best bloggers admit mistakes rather than try to cover them up (which isn't possible online). Amending your text and acknowledging your mistake; perhaps by putting a line through the offending words and inserting a correction or providing an update section at the bottom of a blog post – shows you are not pretending it never happened, and is much better than just deleting it when dealing with online misfires.

Avoid the trolls.

#### **4. References**

CivicSurf is a blogging programme for local leaders [www.civicsurf.org.uk](http://www.civicsurf.org.uk).

Socitm Insight has produced Social Media – Why ICT management should encourage leadership to embrace it (January 2010) and Twitter Gritters: Council use of digital channels in emergencies. (February 2010)

The Improvement and Development Agency (IDeA) 2010. Connected councillors a guide to using social media to support local leadership. IDeA March 2010 'Connected Councillors – A guide to using social media to support local leadership. IDeA March 2010.

'Connected Councillors – A guide to using social media to support local leadership' LGA

## STAFF APPRAISAL / PERFORMANCE REVIEW POLICY

### 1. INTRODUCTION

There should be annual staff appraisals with the following objectives:

- i. Assessment of past performance and the improvement of future performance;
- ii. Assessment of future potential;
- iii. Assessment of training and development needs.

Appraisals should be a light touch appraisal with an agenda that would compare performance with job description.

Appraisals should not introduce any new items that have not been previously discussed, eg disciplinary matters.

Members of staff should use the Appraisal Form A to prepare for the Appraisal meeting and provide evidence of performance including copies of training certificates, qualifications attained during the appraisal period.

The Parish Clerk should appraise any staff members.

The Parish Council Chairman will act as line manager for the Parish Clerk. The PC Charmain along with the Staffing committee chairman will undertake the Parish Clerk's annual appraisal before the end of the financial year.

The outcome of appraisal meeting should be capture using Appraisal Form B and should be signed and agreed by both parties and filed in the staff files. Any new objectives should be agreed using the SMART methodology as follows:

- Specific
- Measurable
- Achievable
- Realistic
- Timebound

Any training and development needs should be captured on Appraisal Form C and used for forward planning of training and development activities by the line manager.

A report should be provided to the Staffing Committee stating that the appraisals have been carried out, along with any recommendations and training needs who will ensure these are in-line with the Training Policy.

The appraisal forms should also be used as the basis for probationary reviews.

**APPRAISAL FORM A - Self-Evaluation/Preparation Form**

Name:	
Job title:	
Date of Appointment to Current Post:	
Review Period (Date):	

Please summarise the main activities of the year with a broad estimate of the proportion of time spent on each with comments on anything to which you wish to draw attention

--

What do you consider to have been your main achievements this year?

--

Have there been areas where you have not met your objectives?

--

What have been the reasons for this?

--

What changes relating to both you personally or council activity that are coming up on the horizon which might affect your work?

--

What objectives would you set yourself for the forthcoming year?

--

Can you see any development needs for yourself?

--

Are there any process improvements you would like to suggest?

--

What main items would you like on the agenda for the Performance Appraisal Review?

--

**APPRAISAL FORM B - Performance Review (Appraisal) Form**

Post holder name:	
Job Title:	
Meeting Date:	
Next Performance Review Meeting:	

**Summary of Discussion Points (and actions arising from discussion)**

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**SMART Objectives agreed at/following Performance Review (Appraisal) meeting**

Objective (SMART)	Milestones	By When	Met / Partly Met / Not Met

*Continue as necessary*

Agreed by Reviewer:	
Agreed by Reviewee:	
Seen by Chairman of Council:	

**APPRAISAL FORM C - Performance Review (Appraisal) Form****Staff Development and Training Needs identified during Appraisal Meeting**

To be completed during the Performance Review (Appraisal) and returned to the Parish Council Clerk (or agreed nominee) in order that Training and Development activities can be planned for and co-ordinated in-line with the Training Policy.

Name of Reviewee:	
Date of Performance Review:	

The list below should include all training and development activities agreed by reviewer and reviewee that require funding or other resources from the Staffing Committee.

**Staff Development / Training Activity 1**

Objective the training/development activity relates to:	
Resources required (inc any funding)	
Target date (date resources required by and when will training be complete)	

**Staff Development / Training Activity 2**

Objective the training/development activity relates to:	
Resources required (inc any funding)	
Target date (date resources required by and when will training be complete)	

**Staff Development / Training Activity 3**

Objective the training/development activity relates to:	
Resources required (inc any funding)	
Target date (date resources required by and when will training be complete)	

Continue on separate sheet if necessary.

## TRAINING POLICY

### 1. Introduction

This document outlines Clayton Parish Council's approach to training for Councillors, employees and volunteers.

### 2. Commitment to Training

The Parish Council recognises the importance of keeping up-to-date with legislation and best practice and is committed to providing training for the Parish Councillors, employees and volunteers to enable them to carry out their roles and meet the demands of the Parish Council.

### 3. Types of Training included

3.1 Induction Training - Parish Councillors and employees will be offered a basic induction to the Parish Council, usually provided by the Parish Clerk, and will include an overview of the Parish Council, health and safety, Standing Orders, Financial Regulations and the Code of Conduct. In the case of a new Clerk this will be carried out by the Chair of Council.

3.2 "Being a Better Councillor - These one-day training courses are run by YLCA for new Parish Councillors and employees and provide a good introduction to Parish Council matters.

3.3 Volunteers Training - Volunteers will be offered training relevant to the area they volunteer, eg Play Equipment inspections.

3.4 Further Councillor Training - Parish Councillors will be offered the opportunity to attend training courses relevant to their roles on the Parish Council, eg "Introduction to Planning" will be offered to those Councillors who sit on the Planning Committee.

3.5 Further Clerk Training - The Parish Clerk will be encouraged to undertake the Certificate in Local Council Administration, a portfolio-based qualification run by the NALC. The Parish Clerk and other employees will be encouraged to attend training and conferences relevant to their areas of work.

### 4. Measuring the impact of training

Parish Councillors and employees attending training will be expected to report back to the next Parish Council meeting after attendance to pass on any relevant information and to give feedback on the training course itself.

## **5. Training Budget**

The Parish Council will set a training budget for Councillors and employees each year during the budget round. The training budget for 2019/20 is £1,200.

## **6. Training Records**

The Parish Clerk will retain a record of all training undertaken by Parish Councillors and employees.