

Document No: HWPSPCo60423



**STANTONBURY**  
PARISH  
COUNCIL

# Home Working Policy

Signed: *C. Whitehead*  
The Chair of HR Committee

Date: *10.4.23*

Signed: .....  
The Chair-Stantonbury Parish Council

Date: .....

Document History

Procedure / Requirements for Home Working Adopted	20/04/2022
Taken from NALC template & Renamed Home Working Policy	13/03/2023
Reviewed and signed at HR Committee	06/04/2023
Signed and Adopted at Main Meeting	19/04/2023

This policy describes the working arrangements and expectations that will apply if you work from home.

### **Scope of this policy**

It applies to all staff who are home-based whether full time, part time or fixed term. It does not apply to office-based staff who work from home on an ad-hoc basis. If you are considering whether to request home-based working, please refer to the Flexible Working Policy.

### **Safe working environment**

Health and safety for home-based staff applies in the same way as office-based staff, insofar as is reasonably practicable, that you work in a safe manner and that you follow all health and safety instructions issued by us.

You must complete and submit a 'Home Based Workers Risk Assessment' to the Clerk. This is a checklist for you to identify any possible hazards in your home working area. Following completion of the checklist, measures may need to be taken to control any risks identified. This checklist should be completed annually, or more frequently if there are any changes to your arrangements such as new equipment or changes to your home-office space.

You must complete and submit a workstation risk assessment and ensure that this remains up-to-date. If you have any questions about the risk assessment, or if you identify any potential risks when carrying out the assessment, you should refer these to the Clerk in the first instance.

Some of the most important considerations include: -

- If possible, an area should be set aside from the rest of your living space to ensure that you are able to work from home without distractions,
- Your home office should have adequate space for you to work safely and comfortably,
- Your desk should be large enough to accommodate your equipment and paperwork,
- You should have sufficient storage and your workspace should be organised so equipment is close to hand,
- Your work area should be well lit, with natural lighting if possible,
- Equipment and sockets should be situated to avoid potential trip hazards, and,
- You must also ensure that you visually check the cables of any electronic equipment supplied to you regularly (and at least every 6 months) and report any defects.

We reserve the right to visit you at home at agreed times for work-related purposes, including health and safety matters and to inspect, service or repair equipment (e.g. for PAT testing).

### **Facilities and equipment**

The council will provide you with the following equipment for you to work from home and we will maintain and replace these items when necessary.

- Desk,
- Office chair
- Filing cabinet (which will be lockable for those staff who hold personal data)
- Printer/scanner
- Laptop / Computer
- Mobile telephone

It is your duty to ensure that proper care is taken of the equipment provided to you and to let the Clerk know of any need to maintain or replace the equipment. Should the risk assessment identify any further equipment that is necessary, please discuss this with the Clerk.

All equipment provided by the council is for you to work safely and effectively at home and cannot be used for personal use by you or your family.

All equipment will belong to the council and you will be required to return it to us promptly should you leave our employment. If we are unable to make suitable arrangements, we may collect the equipment and any documents before your last day.

### **Hours of work**

As a home-based worker, your contract of employment will specify the hours when we expect you to be at work and contactable by telephone or email. There may be times during the working day when you are not available in which case these should be flagged to the Clerk (or the Chair of the Council) with prior authorisation.

You must be mindful to take adequate rest breaks which should be, as a minimum:

- A break of at least 20 minutes during each working day over 6 hours,
- A daily rest break of at least 11 continuous hours, i.e. the time between stopping work one day and beginning work the next day, and,
- At least one complete day each week when no work is done.

### **Potential conflicts of interest**

During your hours of work, the council expects that your work environment enables you to work effectively and that you are not distracted by domestic matters. It is not appropriate to combine homeworking with caring for a dependant.

If there is an emergency and you need to attend to a non-work matter, then you should notify the Clerk (see Staff Handbook).

### **Data protection**

As a home-worker you are responsible for keeping all documents and information associated with the council secure at all times. Specifically, homeworkers are under a duty to:

- Keep filing cabinets and drawers locked when they are not being used,
- Keep all documentation belonging to us in the locked filing cabinet at all times except when in use,
- Set up and use a unique password for the laptop computer, and,
- Ensure that documents are saved to the server rather than the laptop computer's hard drive.

Furthermore, the laptop computer and other equipment provided by us must be used only for work-related purposes and must not be used by any other member of the family at any time or for any purpose.

If you have a telephone conversation where you are discussing confidential work matters, you should ensure that such calls take place in privacy to avoid inadvertent breach of confidentiality.

**Visits to work premises**

On occasions you will need to attend council offices for training, performance assessment meetings, team briefings etc. This will normally not be frequent, and the dates and times of such visits will be agreed in advance.

**Insurance, mortgage or rental agreements**

Whilst our Employer's Liability Insurance extends to home based staff, and any council equipment installed in your home will also be covered, you should ensure that any agreement with your landlord or mortgage lender allows you to work from home, and that your house buildings and contents insurance will not be invalidated by you working from home.

This is a non-contractual procedure which will be reviewed from time to time.

Document No: FWPSPCo60423



# Flexible Working Policy

Signed: *C. Woolthorpe*  
The Chair of HR Committee

Date: 6.4.23

Signed: .....  
The Chair-Stantonbury Parish Council

Date: .....

Document History

Taken from NALC Template to replace 'Flexible Working from Home Policy'	13/03/2023
Reviewed and signed at HR Committee	06/04/2023
Signed and Adopted at Main Meeting	19/04/2023

## **What is flexible working**

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to councils, in that such arrangements can help make the most of today's diverse workforce and improve the council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

## **Scope**

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

## **Policy**

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

## **Making the request**

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the absence of the Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

## **Responding to your request**

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague.



Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

### **Timeframe for dealing with requests**

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

### **Handling requests in a fair way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

### **Appealing the decision**

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

### **The effect on your contract of employment**

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.

### **Data protection**

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

Document No : LWSPCo60423



# Lone Working Policy

Signed: *O. Woodwood*  
The Chair of HR Committee  
Signed: .....  
The Chair-Stantonbury Parish Council

Date: 6.4.23  
Date: .....

Document History

Original policy adopted	02/02/2015
Adopted from NALC template	10/03/2023
Reviewed and signed at HR Committee	06/04/2023
Signed and Adopted at Main Meeting	19/04/2023

### **Purpose of this policy and procedure**

Stantonbury Parish Council recognises that some of our staff work alone, and where this is the case, seeks to ensure the health and safety of all lone workers. This document:

- Raises awareness of the safety issues relating to lone working,
- Identifies and assesses potential risks to an individual working alone,
- Explains the importance of reasonable and practicable precautions to minimise potential risk,
- Provides appropriate support to lone workers, and,
- Encourages reporting of all incidents associated with lone working so that they can be adequately managed and used to help reduce risks and improve working arrangements for the future.

### **The scope of this policy**

It applies to all staff, whether full-time, part time or temporary workers. It does not apply to councillors.

### **Policy**

We will protect staff from the risks of lone working, as far as is reasonably practicable. Working alone is not in itself against the law and it is often safe to do so. However, the council's policy is to consider carefully and deal with any health and safety risks for those who work alone.

### **Definition**

'Lone Worker' refers to people who work by themselves without work colleagues either during or outside normal working hours. Examples include:

- A caretaker who opens and closes a hall either early in the morning or late at night.
- A groundsman tending to green space.
- Office workers who work alone in the premises, and,
- Homeworkers.

Any worker under the age of 18 years, or anyone working in confined spaces is not permitted to work on their own.

### **Responsibilities**

All staff have a responsibility for the health and safety of work colleagues. The key responsibilities are as follows:

#### Managers

- Will try to avoid the need for lone working as far as is reasonably practicable;
- Ensure that the worker is competent to work alone;
- Ensure that all lone working activities must be formally risk assessed. This should identify the risk to lone workers; any control measures necessary to minimise those risks; and emergency procedures;
- Arrangements for lone working must be made clear to staff and the details of what can or cannot be done while working alone explained;
- Lone workers must be informed of the hazards and understand the necessary control measures that need to be put in place and have the opportunity to contribute to the risk assessment;

- Must raise the alarm if staff cannot be contacted or do not return as anticipated
- Must ensure that all staff are aware of this lone working policy and procedure and provide appropriate levels of training and guidance on lone working.

#### Lone workers

- Take reasonable care of themselves and others who may be affected by their work
- To follow any instruction given by management or the council
- Raise with their line manager any concerns they have in relation to lone working
- Not to work alone where there is not adequate information to undertake a risk assessment.
- Inform their line manager at the earliest opportunity in the event of an accident, incident of violence or aggression whilst working alone

#### Staff

- To be aware of colleagues working on their own and alert to unexpected changes of routine, unanticipated periods where there is no communication.
- Buddies should ensure they maintain and share up to date contact details (see below)

#### **Risk Assessments**

Managers must complete (or ensure the completion of) a Lone Working Risk Assessment prior to every lone working activity and update as appropriate. The risk assessment should be reviewed by the lone worker before undertaking the work and communicated to all relevant staff or councillors.

People who work alone will of course face the same risks in their work as those doing similar roles/tasks. However, they may additionally encounter hazards such as:

- Sudden illness
- Faulty equipment
- Travelling alone
- Remote locations
- Abuse from members of the public
- Animal attacks

#### **Ways in which lone working risks can be reduced**

Every lone working environment and situation is different, and therefore it is not possible to implement a 'one size fits all' approach. Where there is regular or anticipated lone working, the council will devise and implement a lone working plan that meets the needs and risks of their particular circumstances. The plan should be proportionate to any risks that are identified from the risk assessment. The plan for a groundsman lone working with machinery will be more detailed than an administrator working late in the office. This should be written down and communicated to all relevant staff and where appropriate, councillors.

Below are some example strategies that could be implemented (on their own or combined):

- Signing-in and Out book
- Electronic (or hard copy) diaries to be kept up to date with meeting/visit/lone working details.
- Agreed times and method of contact.
- Buddy scheme.

### Buddy scheme

The following information should be written down and kept by the lone worker and their buddy, next of kin and manager (see the Lone Working Buddy Form):

- Name and contact details of the lone worker.
- Name, relationship and contact details of the buddy.
- Name, relationship and contact details of the lone worker's next of kin.
- Name, relationship and contact details of the lone worker's manager.
- Any 'code word' that would indicate that the lone worker needs assistance.
- Note: All these details must be kept securely in line with data protection legislation.

If you change your contact details, you must let your buddy and manager know.

In circumstances where a buddy system is appropriate as a way of reducing the risks identified in the risk assessment, the buddy must have relevant details about your lone working, that may include;

- where you are going (address or area if there is no address);
- details of the purpose (i.e. preparing the hall, grass cutting, meeting);
- contact details of anyone you intend to meet (any additional contact details for the location you are visiting);
- your mode of transport;
- when you are expected to return;

Your buddy must know what to do if you do not return or make contact at the anticipated/agreed time.

### **Health and wellbeing**

In order to ensure your personal safety, it is important that you share any details of any aspects of your health that could lead to increased risk with your manager or specific councillors. This includes pregnancy. You can then jointly plan to mitigate any potential risks caused by your circumstances. This information will be treated on a strict 'need to know' basis with your confidentiality of the utmost importance.

### **Reporting incidents**

Any incidents or perceived risks encountered while lone working should be recorded, reviewed and acted upon. The report should include:

- A brief note of what happened, when, and who was involved,
- For any work-related aggression (verbal or physical) including threatening behaviour, all of the details of the incident and of the perpetrator should be captured, which could then be used if the police take any formal prosecution action. This might be particularly important for more serious incidents of work-related violence, and,
- In either instance, this might also include recording details of any circumstances you think might have contributed to the incident, e.g. the context of the interaction, perceptions about the condition of the perpetrator, or any environmental circumstances. This information would then support us to review our risk assessment process and see if any additional measures are needed.

If you feel unsafe, unwell, or become injured call the emergency services if you need immediate assistance. If possible, call your manager, buddy or councillor or colleague to let them know (or ask someone to do so on your behalf).

Call your manager if your plans change because you feel unwell or if you have a domestic emergency when working alone.

This is a non-contractual procedure which will be reviewed from time to time.



Document No: RPPSPCo60423



# RECRUITMENT POLICY & PROCEDURE

Signed: P. Northwood  
The Chair of HR Committee

Signed: .....  
The Chair-Stantonbury Parish Council

Date: 6.4.23

Date: .....

Document History

Created by Working Group February 2019	07/02/19
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Reviewed and signed at HR Committee	06/04/23
Signed and Adopted at Main Meeting	19/04/23

## **Purpose**

Stantonbury Parish Council recognises that its staff are fundamental to its success. The council therefore needs to be able to attract and retain staff of the highest calibre and a strategic, professional approach to recruitment is essential to do this.

The purpose of this policy is to provide a sound framework for the recruitment and selection of staff based upon the principles outlined below, which also meet the requirements of the Parish Councils Equality and Diversity policy and all other relevant employment legislation.

## **Scope**

This policy and procedure covers activities that form part of the recruitment and selection process. It is applicable to all staff recruitment. In order for the policy to be effective it is essential that any employee or councillor who is involved in any aspect of the recruitment and / or selection of staff is aware of this document and follows it.

## **Core Principles**

- The Parish Council has a principle of open competition in its approach to recruitment.
- The Parish Council will seek to recruit the best candidate for the job based on merit. The recruitment and selection process should ensure the identification of the person best suited to the job and the Parish Council.
- The Parish Council wishes to encourage the recruitment of staff with disabilities and will make reasonable adjustments to all stages of the recruitment process and as required in order for a successful candidate with a disability to undertake the post.
- The Parish Council will ensure that the recruitment and selection of staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation.
- Recruitment and selection are a key public relations exercise and should enhance the reputation of the Parish Council. The Parish Council will treat all candidates fairly, equitably and efficiently, with respect and courtesy, aiming to ensure that the candidate experience is positive, irrespective of the outcome.
- The Parish Council will promote best practice in recruitment and selection. It will continuously develop its recruitment and selection practices to allow new ideas and approaches to be incorporated.
- The Parish Council will ensure that its recruitment and selection process is cost effective.
- If a member of staff or a councillor involved in the recruitment process has a close personal or familial relationship with an applicant they must declare this as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.
- All documents relating to applicants will be treated confidentially and in accordance with our Retention Policy and the General Data Protection Regulations (GDPR). Applicants will have the right to access any documentation held on them in accordance with the General Data Protection Regulations.

## **Recruitment & Selection Procedure**

There are a number of key stages in recruiting and selecting for a post. This procedure outlines the key stages.

### **Preparation Stage**

- The recruitment and selection process must not commence until a full evaluation of the need for the role against strategic plans and budget has been completed by the HR committee.
- All new or changed posts must be formally reviewed and pay graded according to the NJC SCP system and the band for that role by the HR committee before they are advertised in order to help ensure equal pay for work of equal value.
- Formal authorisation to recruit to a post must be sought from a full council meeting before commencing the recruitment process.
- Recruitment should form an integral part of the staffing strategy and should take account of the need for any 'positive action' initiatives in the process. 'Positive Action' is lawful under the Equality Act 2010 and refers to the steps that an employer can take to encourage applicants from people who share a protected characteristic (e.g. a certain gender or race).

### **Job Description & Person Specification**

- A job description and person specification must be produced or updated for any vacant post that is to be filled, this will be done by the HR committee.
- The job description should accurately reflect the elements of the post.
- The person specification should state both the essential and desirable criteria in terms of skills, aptitudes, knowledge and experience for the job, all of which should be directly related to the job and applied equally to all applicants. Care should be taken when writing the person specification to ensure that criteria used do not indirectly discriminate against certain groups of applicants.

### **Advertising**

The HR committee will agree the content of the job advertisement.

All advertisements will contain the following as a minimum;

Stantonbury Parish Council is seeking a  
(Position)  
This position is Full/Part time (state number of hrs per week) or Temporary  
Salary £  
For further information contact.....  
Closing date for applications.....

As a minimum all positions must be advertised for at least 28 days and only in exceptional circumstances should this be reduced.

**All** persons expressing an interest in an advertised job must be sent the full job description along with an application form (Appendix B). All completed application forms must be passed to the Chair of the HR committee for HR committee shortlisting.

## **Selection of Candidates**

### **Shortlisting**

Shortlisting of candidates will be carried out by the HR committee.

(members of the HR committee should remove themselves from the process and be replaced by another councillor if they have any connection to any of the applicants i.e. family/friend etc.).

- Notes of the shortlisting decisions for each candidate should be recorded by each member of the HR committee. The notes are to be retained for 12 months.
- Candidates not shortlisted will be written to.
- Shortlisted candidates should be provided with details of selection process, including any tests, in writing giving as much prior notice as possible and a minimum of 5 working days before the interview. In accordance with the Equality Act 2010, they should also be asked to advise if there are any particular arrangements or reasonable adjustments that could be made so that they can participate fully in the selection process.
- All candidates (internal and external) should be assessed objectively against the selection criteria set out in the Person Specification, and only candidates who meet all the essential criteria should be short-listed. Assumptions about the qualities of internal candidates should not be made.

### **Selection & Interview**

- Interviews will be carried out by a minimum of a 3-person panel. This panel will normally be formed of 2 councillors from the HR committee and the Clerk. 1 of the members selected will be the Chair of the interview panel.
- Selection is a two-way process: candidates are assessing the role and the parish council. Those involved in recruitment should consider how best to convey a positive image.
- Interview questions and the structure of the interview should be consistently applied to all candidates and should be based on the person specification.
- Notes recording the salient points of the interview must be taken by all interviewers, so that they can refer back to these when assessing candidates against the person specification when making recommendations. Notes of the interview and any other notes on the candidate taken during the recruitment and selection process must be retained by the HR committee for a minimum of 12 months following the selection process.
- In the event that a candidate requests feedback about their performance in the selection process this must be arranged by the Chair of the interview panel, although he or she may delegate this to another member of the panel where appropriate.
- Unsuccessful interview candidates must be dealt with courteously and sensitively and will receive written notification of the selection process.

### **Referees**

- Information sought from referees should be structured around the requirements of the job. It should be noted that many organisations have a policy of not providing personal references and therefore references provided may only confirm details of current appointment.
- 2 references should be obtained where possible from the candidate's current or past employer. Referees should not be contacted without the candidate's consent and the information provided must be treated as confidential by the interview panel.
- In certain circumstances a school reference is acceptable.

### **Making the appointment.**

- The interview panel will score all candidates against the person specification.
- The person who best meets the requirements of the person specification will be the interview panels recommended person for appointment.
- The interview panel has no power to make a job offer.
- The Chair of the interview panel will inform the next full parish council meeting who the recommended person for the job is. A vote of the full parish council will then be carried out to confirm/reject the recommended person for the position.
- Once a decision has been made by the full parish council a written offer of employment will be sent. This will contain a letter of offer and 2 copies of the employment contract.
- Offers of employment are subject to satisfactory references, checks of qualifications and your right to work in the UK.
- On receipt of acceptance of offer, the Chair of the HR committee will write to all unsuccessful candidates.

### **Induction**

Induction is the final stage of the recruitment process, once the successful candidate has accepted the offer of employment and a start date has been agreed the line manager is responsible for preparing a comprehensive induction programme for the new employee.

Document No: GRVSPCo60423



# GRIEVANCE POLICY

Signed:     *O. Worthwood*    

The Chair of HR Committee

Signed: .....

The Chair-Stantonbury Parish Council

Date:     6.4.23    

Date: .....

Document History

Created by Working Group	21/01/19
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Adopted NALC which accounts for ACAS policies.	01/03/23
Reviewed and signed at HR Committee	06/04/23
Signed and Adopted at Main Meeting	19/04/23



## **Introduction**

1. This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. 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 Milton Keynes City 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 Chair of the HR committee or, if appropriate, another member of the HR 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 Chair of the HR committee.
6. The HR committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chair 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 Chair 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 Chair 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 Chair will ask the employee questions about the information presented and will want to understand what action does he/she want 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 Chair 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 HR committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

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

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

14. The appeal will be heard by a panel of three members of the HR committee who have not previously been involved in the case. There may be insufficient members of the HR 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 HR committee. The appeal panel will appoint a Chair 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 Chair 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 HR sub-committee
- explain the action that the appeal panel may take.

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

18. The Chair 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 HR committee or substitute its own decision.

20. The decision of the appeal panel is final.

Document No: DPPSPCo60423



# DISCIPLINARY POLICY

Signed: ..... *P. Worthwood* .....

The Chair of HR Committee

Signed: .....

The Chair-Stantonbury Parish Council

Date: ..6.4.23.....

Date: .....

### Document History

Created by Working Group	21/01/19
Reviewed and agreed by HR Committee	17/04/19
Reviewed and approved by Full Council	17/04/19
Adopted NALC which accounts for ACAS policies.	13/03/23
Reviewed and signed at HR Committee	06/04/23
Signed and Adopted at Main Meeting	19/04/23

## **Introduction**

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

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

2. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
3. This policy confirms:
  - Informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance.
  - The Council will fully investigate the facts of each case.
  - The Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective.
  - 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. Employees must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.
  - If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
  - Any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council.



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

### **Examples of Misconduct**

4. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct but is not exhaustive:
- Unauthorised absence
  - Poor timekeeping
  - Misuse of the Council's resources and facilities including telephone, email and internet
  - Inappropriate behaviour
  - Refusal to follow reasonable instructions
  - Breach of health and safety rules

### **Examples of Gross Misconduct**

5. Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The list contains some examples of gross misconduct but is not exhaustive:
- Bullying, discrimination or harassment
  - Incapacity at work because of alcohol or drugs
  - Violent behaviour
  - Fraud or theft
  - Gross negligence
  - Gross insubordination
  - Serious breach of health and safety rules
  - Deliberate damage to property
  - Use of the Council's internet or email to access pornographic, obscene or offensive material
  - Disclosure of confidential information

### **Suspension**

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

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

9. The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
- inadequate application of management instructions/office procedures
  - inadequate IT skills

- unsatisfactory management of staff
- unsatisfactory communication skills.

### **The Procedure**

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

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

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

### **Disciplinary investigation**

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

13. If a formal disciplinary investigation is required, the Council's HR 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 HR 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 HR committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

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

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

15. The HR committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient

notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

16. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
17. If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
18. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the HR committee whether or not disciplinary action should be considered under the policy.
19. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
  - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
  - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
20. The Investigator will submit the report to the HR committee which will decide whether further action will be taken.
21. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **The disciplinary meeting**

22. If the HR committee decides that there is a case to answer, it will appoint a HR sub-committee of three councillors, to formally hear the allegations. The HR sub-committee will appoint a Chair from one of its members. The Investigator shall not sit on the sub-committee.
23. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
  - the names of its Chair 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 Chair will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
- the Chair 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 Chair will invite the employee to present their account
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up

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

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

### **Disciplinary action**

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

#### **First written warning**

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

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

#### **Final written warning**

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

warning. A final written warning will set out:

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

### **Dismissal**

The Council may dismiss:

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

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

### **The appeal**

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

29. The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's disciplinary decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

30. Where possible, the appeal will be heard by a panel of three members of the HR committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the HR 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 HR committee. The appeal panel will appoint a Chair from one of its members.

31. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union

representative or a trade union official.

32. At the appeal meeting, the Chair will:

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

33. The employee (or companion) will be asked to explain the grounds for appeal.

34. The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.

35. The appeal panel may decide to uphold the disciplinary decision of the HR committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

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

37. The appeal panel's decision is final.

Document No: DWSPCo60423



# DIGNITY AT WORK POLICY

Signed: ..... *AWBulthard* .....

The Chair of HR Committee

Date: ..... *6.4.23* .....

Signed: .....

Date: .....

The Chair-Stantonbury Parish Council



## Document History

DM reviewed policies from other Parishes	07.06.22
Reviewed Policy sent by BALC (approved by SLCC & NALC)	10.03.23
Reviewed and signed at HR Committee	06.04.23
Adopted and signed off at Main Meeting	19.04.23

## **DIGNITY AT WORK POLICY**

Note: This policy should be used in conjunction with the Council's Disciplinary and Grievance procedures and Cllrs Code of Conduct.

Stantonbury Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers, and the public to be polite and courteous when working for, and with the council.

### **Purpose**

SPC is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

In support of this objective, SPC has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC & SLCC](#).

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment.
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### **Scope**

This policy covers bullying and harassment of and by the Clerk and all employees engaged to work at SPC. Should agency staff, or contractors have a complaint connected to their engagement with SPC this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the Vice Chair or the Clerk.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

### **The position on bullying and harassment**

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. SPC will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the

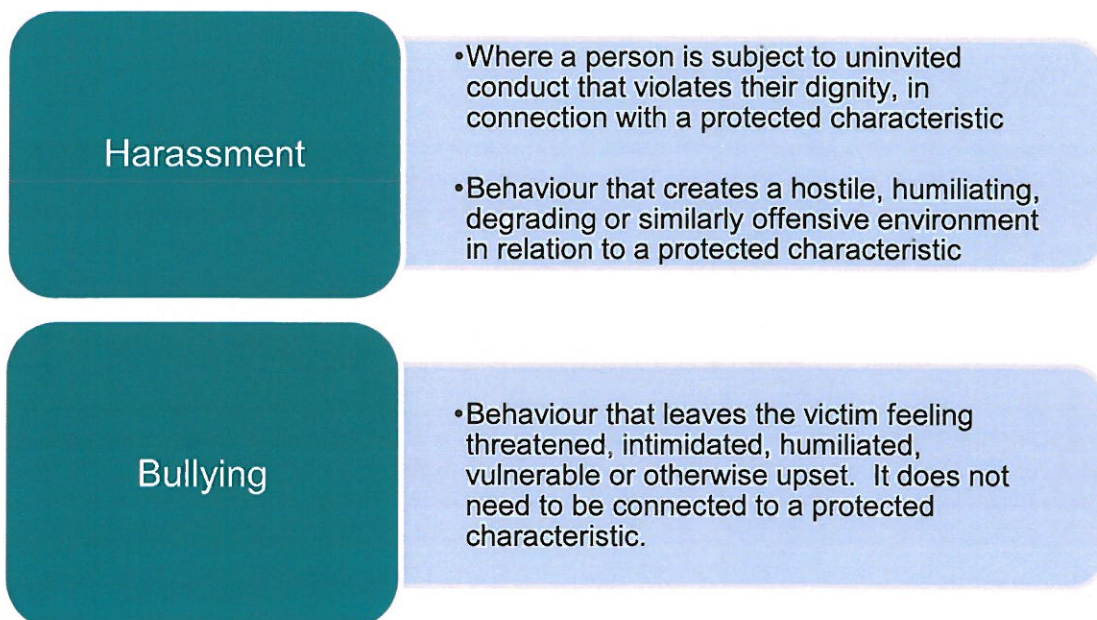
conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.



### **What Type of Treatment amounts to Bullying or Harassment?**

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault.
- Unwelcome sexual advances

- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances.
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling.
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person.
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear; however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines and should not be interpreted as anything different.

## **Victimisation**

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## **Reporting Concerns**

### **What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

### **What you should do if you feel you are being bullied or harassed by a councillor:**

If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you are being bullied or harassed by another member of staff:** If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

### Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy.
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

#### Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the

Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

### **The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

*This is a non-contractual policy and procedure which will be reviewed from time to time.*