

# **Sutton Courtenay Parish Council**

## **Appraisal Policy – Parish Clerk/RFO**

### **Introduction**

Sutton Courtenay Parish Council currently has one employee, the Clerk, who also performs the role of Responsible Financial Officer (RFO). This appraisal policy relates to both roles.

If the Council in the future, employs additional members of staff, the Council will develop an appraisal structure for these employees.

### **Purpose of appraisal**

To promote development by reviewing past performance and looking ahead to set achievable objectives. The Objectives are:

- To enable staff to develop to their fullest attainable level of potential and achieve job satisfaction
- To enhance the quality-of-service delivery by Sutton Courtenay Parish Council through encouraging staff to achieve high standards of performance

It provides an opportunity for the Clerk and one or more members of the Parish Council to discuss performance against agreed objectives and support the personal development of the Clerk consistent with the needs of the Parish Council. It is designed to be a developmental tool and kept separately from any salary review process.

### **The appraisal cycle**

An appraisal should be held annually and starting from the date of the last appraisal. In the case of a new Clerk being appointed, after a minimum of six months, a review will be held. Appraisal will normally be held in July.

### **Identifying the appraiser(s)**

The appraisal cycle will be managed by the Parish Council. The appraisal will be conducted by one or two councillors from the Staffing Committee that have received appropriate training.

### **Preparation for the appraisal meeting**

The appraiser(s) may invite all councillors to provide feedback on performance and development needs prior to the appraisal meeting using the form in Appendix 1. The Clerk may invite others to provide feedback to the appraiser(s).

The appraiser(s) will set a date for the formal appraisal meeting with the appraisee.

The appraisee will complete Section 1 of this document and then submit it to the appraiser(s). The appraiser(s) will complete Section 2 ahead of the meeting.

## **Appraisal meeting**

A constructive, open, two-way discussion on performance and development needs is the core of the appraisal. The following will be key features of the appraisal meeting:

- Review of previous year's objectives
- Discussion of achievements and concerns
- Setting objectives for the next year (no set number but all need to be SMART)
- Agree support or training required
- Summary and agreement

The results of the appraisal will be recorded on the Performance Appraisal form, which is at SECTION 2. This record should cover the key points of discussion between appraiser and appraisee, objectives for the next year, and identified training/development needs.

A copy of the form will be kept securely by both Chair of the Staffing Committee and appraisee.

## **Confidentiality and GDPR**

Discussions, notes and records arising from the appraisal process shall be regarded as confidential. All Parish Council discussions shall take place in the absence of members of the public as provided for in the Standing Orders.

## **Reporting**

Following the appraisal, if necessary, the Staffing Committee will submit a confidential report containing recommendations and/or objectives to the Parish Council.

<b>Period Covered From:</b>	
<b>To:</b>	

## SECTION 1

### APPRAISEE TO COMPLETE THIS SECTION

#### 1. Performance Over the Review Year

Use your job description and previously agreed objectives to complete this part of the form. Please review your job description to ensure continued relevance.

1.1 How would you describe your overall performance in the past twelve months?
1.2 Which parts of your job have you performed most effectively?
1.3 Which parts of your job have not gone so well?
1.4 State any part of your job description that you are not doing.
1.5 State any areas of work which are not in your job description.

#### 2. Your Skills and Expertise

2.1 What are your key strengths in your job?
2.2 What additional skills and expertise have you gained over the period?
2.3 Do you possess skills and strengths not fully used in your job?

#### 3. Development Needs

3.1 What parts of your job do you find most difficult and why do you find them difficult?
3.2 Has a lack of a particular experience or skill affected your performance?
3.3 What additional training have you undertaken during the review period?
3.4 How effective has this training been?
3.5 What additional training or experience would now be of benefit to help you achieve future targets/objectives?

#### 4. Objective/Target Setting

(Use your job description and the Council's aims and objectives to consider what you intend to achieve next year.)

4.1 What potential individual objectives/targets do you want to discuss with your appraiser?

4.2 What potential objectives/targets have high priority?

4.3 Describe any particular help and/or support you feel you need to achieve your objectives/targets.

## SECTION 2

### APPRAISER(S) TO COMPLETE THIS SECTION BEFORE THE INTERVIEW

<b>Name(s):</b>	
<b>Date of Appraisal:</b>	

Consider what the appraisee has written in Section 1 and make your comments in this section. When you have completed the appraisal interview and agreed objectives, training and development plans the overall summary and plans for the following year should be summarised below.

1. Comment on identified main achievements. (Add anything else that was done particularly well.)
2. Comment on work which has not gone well, and anything else that has not gone so well.
3. Comment on any tasks that should no longer be in the job description and any that should be Included.

4. Give your overall assessment of the post holder's performance during the last twelve months (Include strengths, weaknesses, and any constraints to their performance and the outcome of specific agreed objectives).

### SECTION 3

**1. Agreed Objectives** (although there are no set number of objectives, those set should cover key aspects of the appraisee's job and have direct relevance to any Council aims and objectives and be SMART).

1.	
2.	
3.	
4.	
5.	

### 2. Training/Development actions

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You should obtain the appraisee's comments and signature in **Section 4** and give the appraisee a copy of the full document for their records and a copy must be kept within the Council's records.

### SECTION 4

#### Appraisee comments

*(This section provides space for the employee to comment on the completed form and the appraisal process.)*

Appraisee's comments on the process
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Appraisee's signature – I have reviewed this report and I agree that the above is an accurate record of the views exchanged in the appraisal interview	
Signature	
Date	

Signature of Appraiser	
Date	

# **Appendix 1**

## **Checklist for the Appraiser**

### Getting started review checklist

- Job description
- List of objectives (or probationary/induction expectations for new starters)
- List of training undertaken over the review period
- Key achievements - examples of work
- Strategic plan for the Council

### What you need to arrange

- Set a date and time which suits both parties and allows enough notice for plans to be made and preparation to be undertaken
- Leave enough time for a meeting
- Consider the location and ensure it will be free from interruption
- Completed pre-appraisal forms for both parties
- Optional - Request feedback from other councillors



## Appendix 2

### Feedback form for Councillors

Please feedback on the appraisee on the staff's role in the following areas. Please consider what is being done well and what can be done better and if there are any suggestions for areas of focus.

Job description to be supplied.

1. Knowledge of duties
2. Quality of work
3. Quantity of work
4. Relations with others
5. Communication skills
6. Manual/numeric/operational skills (where applicable)
7. Supervision/oversight of staff (where applicable)

## **SUTTON COURTENAY PARISH COUNCIL DATA PROTECTION**

This policy sets out the Parish Council's rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation and destruction of personal information.

Everyone has rights as to how their personal information is handled. These are contained within the Data Protection Regulations which come into effect from 25<sup>th</sup> May 2018 which supersedes the Data Protection Act 1998. The Parish Council will collect, store and process personal information about its staff, councillors, contractors, and residents, and will treat it in an appropriate and lawful manner.

### **Data Held By the Council**

**Officers:** Address, telephone, email, PAYE, pension, CV, application form, references

**Councillors:** Address, telephone, email, declarations of interests and in the case of applications forco-option forms

**Contact by parishioners:** Address, telephone, email, letters and emails

**Parishioners who request copy agendas and minutes:** Address, email

**Contractors:** Address, telephone, letters, emails, references, quotations, contracts, insurance

**Minutes:** Information may be contained within the minutes. These are publicly available.

**Electoral Roll:** As supplied by the Vale of White Horse District Council. The data is password protected

The data is held for contract purposes, for carrying out of a public task, and for legitimate interest. Where data is held of those parishioners requesting copies of agendas and minutes, it is held by consent.

The data will not be kept longer than it is needed for its original purpose or anticipated needs. Data will be monitored so that only the data that is needed will be held.

Sutton Courtenay Parish Council does not normally share data with any other organisation or individual, except in legitimate circumstances for the carrying out of its functions as a local authority.

Data and records may be shared with Auditors, HMRC, Oxfordshire County Council and pension services, or other authorities such as a District Council, County Council or their elected members. The Council may share data it holds with other organisations in the case of suspected wrong doing or non payment of any debt owed to the Council. All other organisations must hold the data securely and in accordance with the General Data Protection Regulations.

### **Subject Access Requests**

A formal request from a data subject for information that the Parish Council holds about them must be made in writing. Any member who receives a written request should forward it to the Clerk.

When someone makes a Subject Access Request he/she must prove they are that person or can legally act on his/her behalf. Two proofs of identify (one photographic) in the form of a passport, driving licence, utility bill, bank statement or similar should be provided.

### **Data Security**

The Council will ensure that appropriate security measures are taken to protect data held, both paper and electronic. The website host will hold data and information lodged regarding enquiries made via the website securely. An SSL Certificate will be required. Only the Proper Officer of the Council will have access to the data should it not be generally available, elsewhere. The Council will register with the Information Commissioner's Office. The Council will appoint a Data Protection Officer.

### **Data Breaches**

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. The data held by the Council is in electronic and paper form. If anyone suspects that there has been a breach of data rules and regulations, they should report it to the Clerk. They will assess whether a breach has occurred, and if it has, whether the breach is likely to result in a high risk to the rights and freedoms of the data subject. Appropriate action will be taken according to the subject.

### **Privacy Notice**

A Privacy Notice as required by the GDPR will be displayed on the Council's website.



## Sutton Courtenay Parish Council

### **Privacy Notice**

This sets out the type of information we collect (or are supplied with). It tells you how the information is held, who we share it with and how it is used. There are contact details for queries about your personal information. All personal data collected (or supplied) will be treated in accordance with current data protection laws in the UK.

### **What information do we collect and what information are we supplied with?**

When you contact us, we record the information that you give us. We collect and use information about councillors and employees. We are supplied with a copy of the register of electors by the district council. We do not sell personal information to other organisations.

The data controller for your personal data is Sutton Courtenay Parish Council

### **How do we use your information?**

We use your personal information in the following ways

- To process enquiries and applications.
- To provide services to residents including sending you information about current and future services. It includes mailing lists for agendas or minutes.
- To allow other organisations to provide services to residents.
- To carry out market research to help us plan and improve our services. We may contact you ourselves or ask outside research agencies to do so on our behalf. This might be done as part of preparing a Neighbourhood Plan if we carry out a survey to find out what the community thinks.
- To produce aggregated statistical information, including data for monitoring equality of opportunity.
- To collect or process payments.

### **Who might we share the information with?**

We might share information with the district/county councils, or their elected members, other public bodies, and emergency services where we consider this would be necessary or helpful. If you are in debt to us, we may give other people information for the purposes of recovering the debt.

Your information may be used to detect and prevent fraud in respect of public funding and we may release information to the police and other law enforcement agencies for crime prevention and detection purposes if required to do so.

### **How long do we keep data?**

We will publish on our website any changes we make to our data protection/information management policies and notify you by other communication channels where appropriate. Where you exercise your right to removal of your personal data, we will continue to maintain a core set of personal data to ensure we do not contact you inadvertently in future. We may also need to retain some financial records about you for statutory purposes (e.g. anti-fraud and accounting matters). The 'right to be forgotten' is a qualified right and the public interest test will always be applied when a request for deletion of personal data is made.

### **How can I access the information you hold about me?**

You are entitled to know what personal information the council holds about you and how that information is processed. You are entitled to ask for your personal data to be corrected where you believe it is inaccurate. You are entitled to withdraw your consent to the processing of your personal data by the council.

However, if the processing is necessary to provide you with the service (or information) you have requested then withdrawal may mean you will not receive that service or information. We will make it clear if this is case and discuss your concerns directly with you before we stop processing your data.

Please make any request for information to the Clerk to the Council. If you have a complaint then contact:

The Clerk to the Council, Sutton Courtenay Parish Council c/o 44 Harrington Close, Newbury, RG14 2RQ Email: [info@suttoncourtenay-pc.gov.uk](mailto:info@suttoncourtenay-pc.gov.uk)

If you are dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner. There is no charge for making an appeal. Contact details are:

The Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545745 or 03031 231 113 (local rate) or email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)

# **Sutton Courtenay Parish Council**

## **Scheme of Delegation**

The Councils Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer and Standing Committees to act with delegated authority in the specific circumstances detailed.

### **Proper Officer and Responsible Finance Officer**

- To take action on any issue of such urgency, that it cannot wait until the next normal Council meeting. If circumstances permit, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take their view into account.
- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,000.00
- To take any action regarding minor repairs (up to a cost of £2,000.00) and to report the minor matters to the relevant authority.

Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time, and shall be reported to the next available Council meeting.

### **Staffing Committee**

It will deal with HR issues and other contractual matter (except the resignation of staff members) and will have delegated authority to make all decisions relating to staff and their employment, except recruiting, termination, and decisions on hours in excess of core hours.

### **Neighbouring Parish Councils Joint Committee**

The Parish Council appoints two Councillors to the committee. The Committee cannot commit the Parish Council to any activity that would incur expenditure without approval of the Full Council. If necessary, an additional or extraordinary meeting would be called.

### **Recreation Ground bookings**

The Clerk can respond to enquiries for bookings of the Recreation Ground (including the skate park) as long as the booking is free of charge and does not interfere with the licenses in place with Sutton Courtenay Football and Cricket Clubs.

### **Allotment agreements (2023/076)**

The Clerk would sign all allotment agreements on behalf of the Council and Village Hall Management Trust.

### **Summer break payments (2023/076)**

During the first two weeks of August, the Clerk would circulate the monthly receipts and payment report to Councillors, along with copies of the invoices to be paid and organises for two Councillors to authorise the payments. (All payments must comply with the existing Financial Regulations.)

## **Summer break planning (2023/076)**

If notification of a planning application is received in July or early August and an extension cannot be agreed to allow the application to be considered at the September meeting that the Clerk circulates the application to all Councillors and then seeks guidance from the Planning working party before replying to the application on behalf of the Council.

## **Delegation – Limitations**

All decisions taken under delegated authority will be in accordance with the Councils Standing Orders and Financial regulations and this Scheme of Delegation, and where applicable any other rules/regulations and legislation. All decisions will be reported to the first appropriate Council meeting.

The Council may delegate the power to make individual decisions on individual items to the Proper Officer/Responsible Finance Officer and its Committees as and when appropriate.

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## SUTTON COURTENAY PARISH COUNCIL DISCIPLINARY POLICY

### Introduction

1. This policy is based on and complies with the ACAS Codes of Practice [www.acas.org.uk/codes-of-practice](http://www.acas.org.uk/codes-of-practice)

It also takes account of the ACAS guide on discipline and grievances at work. [www.acas.org.uk/disciplinary-and-grievance-procedures](http://www.acas.org.uk/disciplinary-and-grievance-procedures)

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

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

3. This policy confirms:

- informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at [www.acas.org.uk/archive/performance-management](http://www.acas.org.uk/archive/performance-management)
- 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. The employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken



by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)

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

#### **Examples of misconduct**

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

- unauthorised absence
- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

#### **Examples of gross misconduct**

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

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology

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

### **Suspension**

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

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

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

### **The Procedure**

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

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

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

### **Disciplinary investigation**

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

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

The Staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
  - whether a recommendation is required
  - how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
  - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
14. The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see below).
  15. The Staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
  16. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
  17. If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
  18. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Staffing committee whether or not disciplinary action should be considered under the policy.
  19. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
    - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure

- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
20. The Investigator will submit the report to the Staffing committee which will decide whether further action will be taken.
21. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **The disciplinary meeting**

22. If the Staffing committee decides that there is a case to answer, it will appoint a panel of three councillors, to formally hear the allegations, not including the Investigator. The panel will appoint a Chairman from one of its members.
23. No councillor with direct involvement in the matter shall be appointed to the panel. The employee will be invited, in writing, to attend a disciplinary meeting. The letter will confirm the following:
- the names of its members and the Chairman
  - 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 available 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 panel 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 panel and the employee (or the companion) may question the Investigator and any witness
  - the employee (or companion) will have the opportunity to sum up
24. The Chairman will provide the employee with the panel's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.

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

### **Disciplinary action**

26. If the panel 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 panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

## **The appeal**

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

Adopted by Sutton Courtenay Parish Council on 1<sup>st</sup> June 2021

Review date: every 2 years.

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Reviewed May 2024



# Sutton Courtenay Parish Council

## Equality and Diversity Policy

### 1 Introduction

- 1.1 Sutton Courtenay Parish Council is an equal opportunities employer. We are committed to equality of opportunity and to providing a service and following practices which are free from unfair and unlawful discrimination. The aim of this policy is to ensure that no applicant or member of staff receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. It seeks also to ensure that no person is victimised or subjected to any form of bullying or harassment.
- 1.2 We value people as individuals with diverse opinions, cultures, lifestyles and circumstances. All employees are covered by this policy and it applies to all areas of employment including recruitment, selection, training, deployment, career, development, and promotion. These areas are monitored and policies and practices are amended if necessary to ensure that no unfair or unlawful discrimination, intentional, unintentional, direct or indirect, overt or latent exists.
- 1.3 All employees, workers or self-employed contractors whether part time, full time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Parish Council.
- 1.4 Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all individuals in the Parish Council as it seeks to develop the skills and abilities of its people. While specific responsibility for eliminating discrimination and providing equality of opportunity lies with the Council, individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of every employee to this policy and application of its principles are essential to eliminate discrimination and provide equality throughout the Parish Council.

### 2 Our Commitment as an Employer

- 2.1 To create an environment in which individual differences and the contributions of our staff are recognised and valued.
- 2.2 Every employee, worker or self-employed contractor is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.

2.3 Training, development and progression opportunities are available to all staff.

2.4 We will review all our employment practices and procedures to ensure fairness.

### **3 Equal Opportunity Policy Statements**

#### **AGE**

We will:

- ensure that people of all ages are treated with respect and dignity;
- ensure that people of working age are given equal access to our employment, training, development and promotion opportunities;

and

- challenge discriminatory assumptions about younger and older people.

#### **DISABILITY**

We will:

- provide any reasonable adjustments to ensure disabled people have access to our services and employment opportunities;
- challenge discriminatory assumptions about disabled people;

and

- seek to continue to improve access to information by ensuring availability of: alternative formatting of documents.

#### **RACE**

We will:

- challenge racism wherever it occurs;
- respond swiftly and sensitively to racist incidents;

and

- actively promote race equality in the Parish Council.

#### **GENDER**

We will:

- challenge discriminatory assumptions about women and men;
- take positive action to redress the negative effects of discrimination against women and men;
- offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same;

and

- provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment.

#### **SEXUAL ORIENTATION**

We will:

- ensure that we take account of the needs of lesbians and gay men;

and

- promote positive images of lesbians, gay men and bisexuals.

#### **RELIGION OR BELIEF**

We will:

- ensure that employees' religion or beliefs and related observances are respected and accommodated wherever possible;

Reviewed May 2024



and

- respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

### **PREGNANCY OR MATERNITY**

We will:

- Ensure that people are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity;
- challenge discriminatory assumptions about the pregnancy or maternity of our employees;

and

- ensure that no individual is disadvantaged and that we take account of the needs of our employees' pregnancy or maternity.

### **MARRIAGE OR CIVIL PARTNERSHIP**

We will:

- Ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership;
- challenge discriminatory assumptions about the marriage or civil partnership of our employees;

and

- ensure that no individual is disadvantaged and that we take account of the needs of our employees' marriage or civil partnership.

### **EX-OFFENDERS**

We will:

- prevent discrimination against our employees regardless of their offending background (except where there is a known risk to children or vulnerable adults).

### **EQUAL PAY**

We will:

- ensure that all employees, male or female, have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

Policy adopted by Sutton Courtenay Parish Council, May 2024

Date of review, every 3 years

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## **SUTTON COURTENAY PARISH COUNCIL**

### **FLEXIBLE WORKING POLICY**

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## **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 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.

Date of policy: (NALC December 2019) May 2024

Policy version reference: v1

Date for next review: every 3 years

## Notes

The wording of this policy is based on an employee's statutory right to make a request to change their working arrangements. Adopting and applying this policy as it stands will support the council to comply with this right.

### 1. Scope

The statutory right is limited to employees with 26 weeks' service. Councils can, if they wish, extend the right to all staff.

The statutory right is limited to one request per annum. Councils can, if they wish, consider requests made more frequently.

### 2. Considering requests

Employers are not compelled to agree to flexible working requests. The policy sets out some reasons that may mean the request cannot be accepted. This list is based on the legislation. Employers must carefully consider the request, but if the proposal is likely to lead to difficulties with the operation of the council, you should discuss the problems, see if they can be reasonably mitigated, but if not, you can decline the request.

With the exception of a request to support an employee with a disability (see below), the reason for the request should not affect whether the council accepts or declines a request.

Important note: If a request has been made to support the health and wellbeing of a staff member, then this may be considered to be a 'reasonable adjustment'. Employers have a legal duty to consider making changes to work arrangements to prevent disadvantage to a disabled worker. If an employer does not consider making such 'reasonable adjustments', or doesn't implement such adjustments, this may lead to unlawful discrimination.

A disability is a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. A 'reasonable adjustment' may be to allow an employee with long-term anxiety to arrive at work 30 minutes late to avoid rush hour.

Please refer to ACAS ([www.acas.org.uk/disability](http://www.acas.org.uk/disability)) for further information.

### 3. Fairness

You may receive a flexible working request from one team member, agree to the request and confirm the changes to their contract. You may then receive a similar request from another team member doing the same job. Your agreement to the first request does not mean that you have to agree to the second request. Each request will need to be considered against the contractual arrangements in place.

### 4. Trial period

If you are not sure whether a proposed working pattern will work, you can agree to a trial period to test it out. If you do so, it will be important to put this in writing and be clear about the duration of the trial and that the working pattern will automatically revert to the previous arrangements unless the council agrees to the contrary.

## 5. Written outcome

If a request is agreed on a temporary or permanent basis, it will be important to confirm the outcome in writing and ensure this is placed on the HR file. If there is a change to the terms set out in the employment contract (whether temporarily or permanently), it will be important to issue a letter to confirm the changes that have been agreed.

### **More information**

ACAS has published a statutory code of practice that lays down the principles that employers should follow when dealing with requests for flexible working.

See ACAS ([www.acas.org.uk/index.aspx?articleid=1616](http://www.acas.org.uk/index.aspx?articleid=1616)) for more information.

### **Guidance**

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

### **Important notice**

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.

## SUTTON COURTENAY PARISH COUNCIL GREIVANCE POLICY

### Introduction

1. This policy is based on and complies with the ACAS Code of Practice [www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures](http://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures)

It also takes account of the ACAS guide on discipline and grievances at work. [www.acas.org.uk/acas-guide-to-discipline-and-grievances-at-work](http://www.acas.org.uk/acas-guide-to-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 they 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 Vale of White Horse District 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 panel of three members to hear the grievance. The panel will appoint a Chairman from its members. No councillor with direct involvement in the matter shall be appointed to the panel.

## **Investigation**

7. If the panel 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 panel.

## **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 panel 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 they want the Council to take
  - any member of the panel 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 panel.
11. The Chairman will provide the employee with the panel'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 Panel, they 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 Panel'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 panel was inadequate/inappropriate
  - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the Staffing committee who have not previously been involved in the case. There may be insufficient members of the Staffing committee who have not previously been involved. If so, the appeal panel will be a panel 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 they 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 panel
  - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that they 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.

Adopted by Council on 1<sup>st</sup> June 2021

Review date – every 2 years.

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## Sutton Courtenay Parish Council

### Risk management

Sutton Courtenay Parish Council is committed to identifying and managing risks, using the following procedures, and to ensuring that risks are maintained at an acceptable level. Any action that is felt necessary will be taken by the Council.

The Clerk will review risks on a regular basis, including any newly identified risks, and will report to the Council. The review will include identification of any unacceptable levels of risk.

The Local Councils' Governance and Accountability Guidance makes the following observations regarding risk management:

- Risk management is not just about financial management: it is about setting objectives and achieving them in order to deliver high quality public services.
- The new approach places emphasis on local councils strengthening their own corporate governance arrangements, improving their stewardship of public funds and providing assurance to taxpayers.

It goes on to make the point that Members are ultimately responsible for risk management because risks threaten the achievement of policy objectives. Members should therefore:

- take steps to identify key risks facing the Council
- evaluate the potential consequences to the Council if an event identified as a risk takes place
- decide upon appropriate measures to avoid, reduce or control the risk or its consequences

1. Finance				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Inadequacy of precept	LOW	MED	To determine the precept amount required, the Council will meet and consider a budget report, including actual position, projected position to the end of year and indicative figures or costings obtained by the Clerk. With this information the Council maps out the required monies for standing costs and projects for the following year and applies specific figures to budget headings, the total of which (plus any additions to reserves) is resolved to be the precept amount to be requested.	LOW Existing procedures adequate – review annually
Precept requirements not submitted to District Council	LOW	MED	With the above information the Council maps out the required monies for standing costs and projects for the following year and applies specific figures to budget headings, the total of which is resolved to be the precept amount to be requested from the District Council. The figure is submitted to the District Council by the Clerk in writing before the end of January.	LOW Existing procedures adequate – review annually
Precept not received from District Council	LOW	HIGH	Payments are made via electronic bank transfer. The Clerk informs Council when the monies are received (normally May and October). General reserve of at least 50% precept would assist with any short-term delay.	MEDIUM Currently general reserve is less than 50% of precept.
Inadequate records / financial irregularities	LOW	MED	Established recording process in accordance with Joint Panel on Accountability and Governance (JPAG) Practitioners' Guide, available from NALC. The records are subject to a detailed internal audit and overseen by an external audit.	LOW Existing procedures adequate – review annually

1. Finance				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Inadequate banking checks & reconciliation	LOW	LOW	The Council has Financial Regulations which set out the requirements for banking, payments and reconciliation of accounts. Quarterly bank reconciliations are presented to Council. Financial regulations reviewed each year.	LOW Existing procedures adequate. Review bank signatory list when necessary, especially after an election. Monitor the bank statements monthly.
Banking errors (caused by bank)	LOW	LOW	If the bank makes errors in processing payments or receipts this would be discovered when the Clerk reconciles the bank accounts once a month. Errors would be dealt with immediately by informing the bank and awaiting their correction.	LOW Existing procedures adequate – review annually
Bank or building society closure	LOW	MED	The Council is covered under the Financial Services Compensation Scheme (FSCS) as long as the funds held with a single bank/building society does not exceed £85k.	MEDIUM The Unity account sometimes runs at over £85k but this is normally under £100k. The Council should look to open an account with another provider.
Fraudulent / incorrect payment of invoices – Unity account	LOW	MED	The Council has Financial Regulations, which set out the requirements for invoice payment. At each Council meeting the list of invoices paid is distributed to Councillors, and considered. A copy of all invoices to be paid is sent electronically to all Councillors. Unity bank holds the main account with online banking, payments are setup by the Clerk and authorised by 2 Councillors. Each Councillor who authorises the payment, also checks the details against each invoice.	LOW Existing procedures adequate. Review the Financial Regulations when necessary. Review bank signatory list when necessary, especially after an election.

1. Finance				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Fraudulent / incorrect payment of invoices – Santander accounts	LOW	HIGH	The Council has 2 accounts with Santander, a current account and a savings account. The Clerk has online access to the accounts, this is now view only but previously the Clerk could make transfers. Payments can be made from the current account by cheque and from the savings account by a letter, with 2 Councillors signing. Santander do not offer dual authorisation. Due to the lack of activity on the accounts bank statements are infrequently received but electronic versions can be downloaded.	<b>MEDIUM</b> The Council's current procedures protect the Council, particular attention should be paid to the quarterly bank reconciliations to ensure no fraudulent activity.  Long term the Santander accounts should be moved to a provider with dual online authorisation.
Charges – cemetery fees	MED	MED	Funeral directors, stonemasons and private individuals are invoiced for cemetery fees. Sometimes there is a delay in providing payment. ERoB transfers and memorials are only completed once payment is received. Funeral directors normally pay after the interment.	LOW Currently the Clerk chases for payment, debts of more than 3 months would be reported to the Council.
Charges – memorials (not cemetery)	LOW	MED	A new policy introduced in 2023 includes a charge for memorials in public spaces. The application would not be processed without payment.	LOW Existing procedures adequate – review annually
Fraudulent / incorrect payment of grants - payable	LOW	HIGH	All such expenditure goes through the required Council process of approval, minutes and listed accordingly. A list of grants awarded can be found on the Council's website.	LOW Existing procedure OK – Clerk should ask for confirmation that funds have been received.
Fraudulent / mismanagement of grants – receivable (inc S106 & CIL)	LOW	MED	Funds are ringfenced for specific projects. Updates are sent to awarding authorities. Annual CIL report submitted to District Council and published on website.	LOW Existing procedures adequate – review annually

1. Finance				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Failure to achieve Value for Money: contracts awarded incorrectly, and /or overspend on services	MED	MED	The Council has Financial Regulations, which set out the requirements for obtaining quotes. For major contract services (above £25,000), formal competitive tenders would be sought using the Government Contracts Finder website. This process would be administered independently by the Clerk. If a problem were encountered with a contract the Clerk would investigate the situation, check the quotation/tender, research the problem and report to Council.	LOW  Existing procedure adequate. Include when reviewing Financial Regulations.
Salary, NI, tax and pension contributions reported or paid incorrectly	MED	LOW	Payment of salary and pension contribution is normally by standing order. HMRC's 'Basic PAYE Tools' software is used to calculate and submit payroll data, the software creates payslips and reports to assist with making payments. Oxfordshire Pension Fund provides a website for reporting amounts and generating a report.  Payslips, HMRC reports and Pension reports need to be submitted with invoices to confirm correct amounts are being paid.  All is subject to the internal audit.	LOW  Existing reporting and payment system is adequate.
VAT incorrectly claimed	LOW	MED	The Council reclaims VAT under the 125 scheme. It is not registered for VAT. VAT is normally reclaimed in February unless there is exceptional expenditure and then it can be reclaimed more frequently.	LOW  Existing reporting and payment system is adequate.
Financial fraud by Officers	LOW	MED	Sufficient fidelity guarantee in insurance cover. Annual insurance review by Clerk.	LOW



1. Finance				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Loss to third party following actions / advice provided by Councillors and/or Officers	LOW	HIGH	<p>Sufficient Councillors and Officers indemnity included in insurance cover.</p> <p>The Clerk should be provided with relevant training, reference books, access to assistance and legal advice required to undertake the role. Membership of Oxfordshire ALC and Society of Local Council Clerks is paid for by the Council.</p> <p>Councillors should receive induction training in accordance with OALC guidance.</p> <p>Annual insurance review by Clerk and Council.</p>	<p>LOW</p> <p>Existing procedures adequate – review annually</p>
Loss to third party / employees on Council property / in execution of Council business	LOW	HIGH	<p>Sufficient Public Liability indemnity (no less than £10 million) included in insurance cover.</p> <p>Annual insurance review by Clerk and Council.</p>	<p>LOW</p> <p>Existing procedures adequate – review annually</p>

2. Constitutional / Operating Risk				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Unexpected Parish Council Election	LOW	MED	Accept risk - hold reserves to cover the likely cost based upon the estimated cost supplied by the District Council from time to time.	<p>LOW</p> <p>Existing procedure adequate</p>
Meeting venue	MED	MED	The normal meeting venue, the Village Hall, has suitable facilities for a meeting open to the public. If it was not available then there are other possible venues in the village (school hall, Scout hut).	LOW

2. Constitutional / Operating Risk				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Inadequate / inaccurate Minutes, Agendas, Notices, Statutory Documents	LOW	LOW	Minutes and agenda are produced in the prescribed method by the Clerk and adhere to the legal requirements. Minutes are approved and signed at the next Council meeting. Minutes and agenda are displayed according to the legal requirements. Business conducted at Council meetings managed by the Chair in accordance with Council Standing Orders.	LOW Existing procedure adequate
Annual return - AGAR	LOW	MED	The AGAR is completed by the Clerk, submitted to the internal auditor and then presented to the Council. Once signed it must be published and sent to the external auditor.	LOW External auditor provides specific advice on timescales
Annual return - HMRC	LOW	MED	The employers annual return is submitted at end of March/early April. This process must be completed before entering the payroll data for the new financial year.	LOW Existing procedure adequate
Councillors' conflict of interests	MED	LOW	Register of Member's Interest forms reviewed annually by Councillors. Declaration of interests standing agenda item in all Council meetings.	LOW Existing procedure adequate
Damage to assets / items under the Council's care, e.g. noticeboards, bus shelters, defibs etc.	MED	MED	Annual review of asset register, prepared by Clerk and presented to Council. Periodic inspections of assets by the Clerk or reported to the Clerk. Annual insurance review by Clerk and Council.	LOW Existing procedure adequate
Asset register - failure to accurately record the Council's assets	MED	HIGH	During 2023 the Clerk has realised not all items are correctly recorded on the asset register. These are mainly low value items such as benches and gifted assets. The Clerk has since updated the register although there might be items missed.	<b>MEDIUM</b> The asset register needs to be carefully reviewed and locations recorded for all assets.

2. Constitutional / Operating Risk				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Maintenance of assets	MED	MED	Due to the asset register previously lacking location information for all street furniture and a lack of records of previous inspections, it is unclear whether all items have been checked on a regular basis. The Clerk has checked items up to April 2024.	MEDIUM All street furniture must be inspected annually and a record of condition created.
Legal powers	LOW	HIGH	All activity and payments within the powers of the Council to be resolved at a Council meeting. The Clerk must try to ensure their knowledge is updated and seek external guidance when undertaking new projects.	LOW Clerk is CiLCA qualified and a member of SLCC. The Council is a member of OALC and NALC.
Loss of key personnel (Clerk to the Council)	MED	HIGH	The Clerk's role would be advertised and another appointment made. In the meantime, the assistance of a temporary Clerk and/or neighbouring Clerks would be sought.  Alternatively, a Councillor would be seconded into the Clerk's role (unpaid). If the Chairman took on the duties of the Clerk or the Responsible Financial Officer then they would resign their position as Chairman to ensure separation of powers.  Approach OALC for advertising and/or SLCC for a locum.	MEDIUM (Worst case scenario – the Clerk's relatives would need to arrange for Council equipment and records to be recovered. The Clerk should give the Chairman a record of where items are kept in their home.)
Business continuity: Loss of Council files - electronic	LOW	HIGH	Currently all electronic files-are stored on the Council's laptop with an automatic backup to Google Drive.  Emails retained for 12 months online, if required beyond that point the email should be saved as a PDF on the laptop.	LOW Existing procedure adequate

2. Constitutional / Operating Risk				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Business continuity: Loss of Council files - hard copy	LOW	HIGH	<p>The following documents are stored in a cupboard at the Clerk's home:</p> <ul style="list-style-type: none"> <li>-Financial information for current and previous year.</li> <li>-Minutes – inc. bound volumes.</li> <li>-Working notes relevant to current enquiries and projects.</li> </ul> <p>The following documents are stored in a filing cabinet at the Clerk's home:</p> <ul style="list-style-type: none"> <li>-Financial information for past 3-7 years.</li> <li>-Cemetery: plans x 2, burial register, EROB grant register, interment and memorial applications (the applications should be scanned and the hard copy destroyed).</li> <li>-The cemetery registers are kept in a fireproof bag.</li> <li>-Original land registry titles and associated documents for land owned by the Parish Council.</li> </ul>	MEDIUM Where possible documents should be held electronically and the original sent to the Oxfordshire History Centre, Cowley.
Data protection	MED	MED	<p>The Council is registered with the Information Commissioner's Office (ICO) and has appropriate policies in place. Councillors have dedicated Council email addresses which must be used for all Council business.</p> <p>Emails retained for 12 months online, if required beyond that point the email should be saved as a PDF on the Council laptop.</p>	LOW Councillors must ensure any email received on their personal accounts are forwarded to their Council account before replying.
Freedom of Information	LOW	MED	<p>The Council has a Publication scheme in place. The Council can ask for assistance from the ICO.</p> <p>Emails retained for 12 months online, if required beyond that point the email should be saved as a PDF on the laptop.</p>	LOW Councillors must ensure any email received on their personal accounts are forwarded to their Council account before replying.

2. Constitutional / Operating Risk				
Risk	Probability	Impact	Risk Management / Mitigation	Residual Risk
Web accessibility	LOW	LOW	<p>Since September 2020, all parish councils must have a website that complies with Website Content Accessibility Guidelines (WCAG) 2.1 AA rating so that it meets Accessibility Guidelines as set in the Public Sector Bodies Accessibility regulations.</p> <p>When producing PDFs for the website the document must also be compliant or an explanation provided.</p>	<p>MEDIUM</p> <p>The AGAR is not available in an accessible format due to a third party. The matter has been raised with the Smaller Authorities' Audit Appointments.</p>
Cyber threat	LOW	HIGH	<p>The Clerk is the only person with access to the Council's laptop which has anti-virus and security software installed. The website and email systems are held by a third party supplier. Very little of the Council's documents are in anyway confidential so there is a limited risk of being held to ransom.</p> <p>The Clerk setups payments with Unity bank which checks that the account details match the account name, the Clerk make changes on receipt of proof of the account details.</p>	<p>MEDIUM</p> <p>The Council considered whether to add cyber insurance to its policy in 2023 and decided the cost was too high when considering the risk to the Council.</p>

# **Sutton Courtenay Parish Council**

## **Statement on Duties Related to Biodiversity**

### **Biodiversity**

Under the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard to the purpose of conserving biodiversity. Sutton Courtenay Parish Council's aim is to care for the environment through its own policies and practices and by encouraging others to do the same. The Parish Council will endeavour to be as conscientious as possible about biodiversity, conservation, and use of resources. The Parish Council will keep aware of the environmental regulations that apply to its business and ensure that its legal obligations are met. The Parish Council will communicate this policy to Councillors and Officers through channels such as meetings and work planning, and it will encourage suggestions of ways to provide a positive environmental impact.

Sutton Courtenay Parish Council practices and initiatives to improve biodiversity include:

- Assessing chemicals used (e.g. cleaning/gardening) and ensuring their appropriate safe disposal;
- Minimising use of harmful pesticides;
- Mulching horticultural waste where possible;
- Planting more trees and using indigenous species as much as possible;

### **Awareness Raising**

Councillors are reminded of their duties regarding bio-diversity and crime and disorder when making key decisions on Town Council services and functions. This includes commenting on planning applications and when considering grant applications.

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