



Minutes of an Ordinary Meeting of the Staffing Committee held at 7.00pm on Monday 27th September 2021

Present: Cllr S Greenland (Chairman)
Cllr G Logan
Cllr K Mason

Ms L Ellis, Parish Clerk
Mrs K Brooker, Assistant Parish Clerk

Min No	Title	Owner
1/21	<p>WELCOME FROM THE CHAIRMAN & APOLOGIES</p> <p>The Chairman, Cllr Greenland, welcomed all in attendance to the meeting of Staffing Committee.</p> <p>Councillor Greenland stated that as a new Committee, it would be a work in progress and the Staffing Committee would be flexible to the needs of the Parish Council.</p> <p>There were no apologies.</p>	
2/21	<p>TO RECEIVE DECLARATIONS OF INTEREST AND/OR CONSIDER THE GRANTING OF DISPENSATIONS</p> <p>The Clerk declared an interest in Minute 12/21 and left the room during the discussion and voting thereon.</p>	
3/21	<p>TRAINING AND DEVELOPMENT POLICY</p> <p>A report was submitted, a copy of which is attached at Appendix 1 to these Minutes.</p> <p>Committee Members recommended;</p> <ul style="list-style-type: none"> a. removing the phrase workforce planning under the heading Identifying, Meeting and Evaluating Training and Development Needs; and b. to remove sector on study leave – Councillor Mason requested that the Clerk check the Green Book – to check if there is a legal requirement for 3 days per annum. <p>ALL IN FAVOUR</p>	
4/21	<p>EMPLOYEES EXPENSES POLICY</p> <p>A report was submitted, a copy of which is attached at Appendix 2, to these Minutes.</p> <p>Committee Members felt that this policy was not suitable for the requirements of this Parish Council and preferred that the existing Councillor Expenses Policy at agenda item 5 (Min 5/21) also be used for Officers with some amendments.</p> <p>ALL IN FAVOUR</p>	



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<p>5/21</p>	<p>COUNCILLORS EXPENSES POLICY A report was submitted, a copy of which is attached at Appendix 3, to these Minutes.</p> <p>Committee Members recommended; a. to amend this policy into a General Expenses Policy to include Officers; and b. to add in the clauses re passenger payments and bicycles; and c. to add the wording 'where appropriate for environmental considerations'. ALL IN FAVOUR</p>	
<p>6/21</p>	<p>SICKNESS AND ABSENCE POLICY A report was submitted, a copy of which is attached at Appendix 4, to these Minutes.</p> <p>Committee Members recommended to adopt this policy including reference to Finance Committee being changed to Staffing Committee. ALL IN FAVOUR</p>	
<p>7/21</p>	<p>GRIEVANCE POLICY A report was submitted, a copy of which is attached at Appendix 5, to these Minutes.</p> <p>Committee Members recommend:- a) to adopt grievance policy; and b) Cllr Greenland to review back to back with the Code of Conduct and to report back to next Staffing Committee. ALL IN FAVOUR</p>	
<p>8/21</p>	<p>DISCIPLINARY PROCEDURE A report was submitted, a copy of which is attached at Appendix 6, to these Minutes.</p> <p>Following discussion, the Clerk would check the date of the ACAS Code of Practice.</p> <p>Committee Members recommended to adopt the Disciplinary Procedure with removal of the following clauses:- a) Inappropriate standard of dress; and b) Minor breaches of Health and Safety or other Society rules or procedures. ALL IN FAVOUR</p>	<p>LE</p>



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9/21	<p>COMPLAINTS PROCEDURE</p> <p>A report was submitted, a copy of which is attached at Appendix 7, to these Minutes.</p> <p>Committee Members recommended; a) the update of contact details and the adoption of the Code of Conduct on 23rd August 2021; and b) to adopt the Complaints Procedure. ALL IN FAVOUR</p>	
10/21	<p>STANDING ORDERS</p> <p>A report was submitted, a copy of which is attached at Appendix 8, to these Minutes.</p> <p>Committee Members recommended the following changes;</p> <p>a A matter personal to a member of staff that is being considered by a meeting of the Staffing Committee is subject to standing order 11. Members raised concern as to whether standing order 11 was the correct reference, Clerk agreed to check.</p> <p>b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Staffing Committee or, if they are not available, another Member of the Staffing Committee of absence occasioned by illness or other reason and that person shall report such absence to Staffing Committee at its next meeting.</p> <p>c The chairman of the Staffing Committee or in their absence, another Member of the Staffing Committee shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staffing Committee.</p> <p>d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (the Clerk) shall contact the Chairman of the Staffing Committee or in their absence another Member of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee</p> <p>e Subject to the Council's policy regarding the handling of grievance</p>	



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	<p>matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or other Member of the Staffing Committee, this shall be communicated to the Council Chairman, which shall be reported back and progressed by resolution of Full Council .</p> <p>f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.</p> <p>g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).</p> <p>ALL IN FAVOUR</p>	
11/21	<p>EXCLUSION OF PRESS AND PUBLIC</p> <p>Public Bodies (Admission to Meetings) Act 1960 (as amended by the local Government Act 1972 s.100)</p> <p>Members resolved that the public be excluded from the meeting for the following items of business pursuant to the above act on the grounds of staffing issues and the confidential nature of the business to be transacted.</p> <p>ALL IN FAVOUR</p>	
12/21	<p>EXEMPT - CLERK APPRAISAL</p> <p>An exempt report was submitted and the Staffing Committee discussed the Clerk's appraisal.</p>	
13/21	<p>EXEMPT - ASSISTANT CLERK APPRAISAL</p> <p>An exempt report was submitted and the Staffing Committee discussed the Assistant Clerk's appraisal.</p>	

Meeting ended 8.25pm

Minutes Approved:

Chairman's Signature:

Date:

27th September 2021

Training and Development Policy

Attached at Appendix 1 is a proposed Alderholt Parish Council Training and Development Policy.

A Training and Development Policy is referred to in the appraisal process and should be referred to in employee contracts.

The Committee is requested to discuss whether any further amendments need to be made to this procedure.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

Purpose and Scope

This purpose of this policy is to set out the Council's position on the provision of training and development opportunities for staff. It applies to all staff whether full or part time, temporary or fixed term.

Alderholt Parish Council is committed to ensure that it continues to fulfil its duties and responsibilities to the residents of the Parish in a professional manner. To that end, the Council's intention is that the Councillors, Clerk and any other workers of the Council are suitably equipped with the knowledge and skills to carry out their roles and maintain effective working practices.

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

Identifying, Meeting and Evaluating Training and Development Needs

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

- Induction and probationary periods
- One-to-ones
- Appraisal
- Workforce planning
- Team meetings
- Annual plan
- Change processes

In addition, the Council will encourage staff to identify their own learning styles and will seek to provide a wide variety of learning and training methods, including:

- Attendance at conferences, seminars and short courses
- Online training
- Internal coaching
- Shared in-house learning resources (books, journals, DVDs etc.)
- In house training
- Work shadowing
- Time for self-directed research and learning

Consideration

A number of factors will be taken into account when assessing a request from an individual. This policy provides one element of the decision-making process. Other factors will include availability of finance and the individual's employment record. To

ensure that the council is able to consistently evaluate requests, training and development opportunities have been organised into three categories according to the degree of importance each intervention has for different roles.

Categorising Training and Personal Development

The three categories are as follows:

1. Mandatory

Mandatory training is legally required for the post-holder, or a qualification deemed to be so fundamental to the role, that the council makes it a mandatory requirement. Any mandatory training or qualifications are to be stated on the job description. For mandatory qualifications, it is unlikely that an applicant would be recruited without having previously attained the qualification. Where a qualification becomes mandatory for the role, the council will provide reasonable assistance for the employee to attain the qualification (see the section on Guidance for Support below). Some mandatory training may be specific to a particular job role whilst other training may be a generic requirement. Examples of mandatory training include Health and Safety training including first aid

2. Desirable

Desirable training is not legally required for the post, but it is directly relevant to the individual's job. Any desirable training or qualifications are to be stated on the job description. For desirable qualifications or training, an individual may be recruited without having previously attained the qualification or undergone the training but may be expected to attain the qualification within a defined period of time. The need for training may also be identified through one-to-one meetings or annual appraisals. A desirable qualification is likely to enhance the skills and reputation of the council. Examples may include the Certificate in Local Council Administration (CiLCA)

3. Optional

An optional qualification or optional training may not be directly linked to the individual's current job. Optional training or development is generally more beneficial to the individual's career than it is for the council. Personal development aimed at developing the skills or knowledge of an individual in order to provide a successor for an existing job is deemed to be optional. However, depending on the circumstances, training for succession may be 'desirable'.

Guidance for Support

Support for qualifications, training and personal development can include financial assistance towards the cost of tuition, examinations and resource materials in addition to half / day release and time off for study leave and taking the examination.

Any financial and non-financial support to training and development is entirely at the discretion of the council. Any financial support, including the offer of a loan, will always be conditional upon the employee's agreement to either a full or partial repayment of the financial support provided.

The Council reserves the right to reclaim financial support where the employee;

- Leaves the Council during the duration of the course
- Fails to complete the training
- Fails to attend training without good reason

Study Leave

Where an individual requires study leave to undertake mandatory training, they will be able to take all the leave within normal working hours.

Where individuals require study leave to undertake study which is not mandatory but part of the individual's formal continuous professional development, the Council will contribute up to 50% of study leave time, to a maximum of 3 days per annum.

Where individuals require study leave to undertake training which is not mandatory but part of the individual's desire for career development, the Council will contribute up to 3 days study leave per annum for courses which are directly related to the individual's role.

Time off for study leave must be approved in advance. To make a request the individual is asked to write to the Clerk (or Chairman of the Council), setting out the details of the course of study, how it relates to their work, and the time being requested.

No study leave will be granted where individuals undertake study which is not required for their role, or not directly related to their role. However, the Clerk (or Chairman of the Council) will consider requests for flexible working to allow the study to take place, as long as the needs of the council can be met.

Identification of Individual Training Needs:

Councillors – Often councillors will identify training needs themselves. The Clerk and the Chairman should also advise on the training available to councillors. Any courses should be brought to the attention of Full Council. Councillors should understand that training is an ongoing process and should undertake on a regular basis so that councillors can better understand the law, finances and general running of a good practice Parish Council.

Clerk/RFO - Once appointed the training needs for the Clerk will depend on previous qualifications and experience/training courses already attended. Training must continue even for experienced qualified Clerks to keep them up to date. The Chairman and Staffing Committee will often, with the help of the Clerk, be able to advise on areas that need to be focused on.

Resources for Training

Annually the Council will discuss and allocate a set budget for training and development for all staff. The Council will allocate a set budget for the subscriptions of the SLCC for the Clerk along with any other bodies the council feel will aid this development.

Evaluation of Training

The Council, as a whole will evaluate the relevance and content of training courses. Guidance from the Clerk may be necessary. Training will be reviewed with any change to legislation and or new software/systems that staff may need training for. Records of training should be kept by the Clerk.

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Employee Expenses Policy

Attached at Appendix 1 is a proposed Alderholt Parish Council Employee Expenses Policy.

There is currently no Employee Expenses Policy. There is a Council Expenses Policy although this seems to be more related to any Member expenses. Expenses are also referred to in an employee's contract of employment and the attached NALC template provides a comprehensive policy for employee expenses as it also relates to home working.

The Committee is requested to discuss whether there should be an Employee Expenses Policy and to agree to propose any amendments to the template.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

ALDERHOLT PARISH COUNCIL

EMPLOYEES EXPENSES POLICY

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Purpose

This policy sets out the Council's rules on how employees can claim for expenses incurred in the performance of their duties for the Council. The purpose of this policy is to ensure that employees are properly reimbursed for legitimate business expenses and to ensure that these expenses are treated appropriately for tax purposes. It does not apply to councillors.

General procedure

The Council will reimburse you for actual expenditure that is incurred wholly, necessarily and exclusively in connection with authorised duties that you undertake in the course of your employment. To claim for expenses, you must use the Council's expenses claim forms and set out the reasons why the expense was incurred on the claim form. If you are unsure whether an expense can be claimed, you must seek prior written authorisation from [the Clerk / the RFO / the Chair].

Expenses will not be paid unless supporting evidence is provided, together with a completed expense claim form. This should include original receipts or invoices with the date and time of the transaction (unless you are claiming for mileage). When claiming for travel expenses on public transport, you should enclose the tickets showing the departure point and destination of your journey, where possible. Credit and debit card statements will not be accepted. Where you are submitting a VAT receipt, you should set out:

- the name and VAT registration number of the retailer or service provider;
- the goods and services provided; and
- the amount of VAT payable.

Once completed and signed, you should submit your expense claim form to [the Clerk / your manager / the Chair] for approval. Once approved the claim form should be sent to the RFO for payment.

Expenses claims must be submitted within [30 days] of the expense being incurred. If this is not practical, written approval for any extension will be required from [the Clerk / your manager / the Chair]. The Council reserves the right to withhold any payment where prior written approval has not been given.

The Council may return an expense claim form to you without payment if it is completed incorrectly or lacks supporting evidence.

The Council will pay claims for authorised expenses by BACS transfer into the same bank account into which your salary is paid.

In general, you should not incur expenses other than in the categories listed below. However, if you have claims for expenditure other than for those categories listed below, you should seek written approval from [the Clerk / the RFO / the Chair] before incurring the expense. The Council will accept email as written approval where it is required in this policy.

Any queries in relation to this policy should be directed to [the RFO / the Chair].

Homeworkers

If you are a Homeworker, your normal place of work as stated in your contract will be your home. The council will reimburse all reasonable expenses incurred by homeworkers in the course of their duties upon receipt of satisfactory claims.

The council will provide the following equipment necessary to enable homeworking employees to do their job.

- [Desk with lockable drawer (or separate secure document store)
- Laptop or personal computer
- Printer]

Alternatively, the council will agree with homeworkers a suitable sum to cover use of their own equipment.

The council should also pay the employee for the costs associated with heating, lighting, etc. HMRC rules allow for some of these expenses to be paid tax-free (see HMRC guidance: www.gov.uk/expenses-and-benefits-homeworking/whats-exempt).

Training

When attending training courses all employees and be able to claim travel expenses for the difference in the usual home to work costs. Where the training takes place outside contracted daily hours, part-time employees should be paid on the basis as time spent on training is working time.

[Some training can be very expensive and as a condition for funding training, the council requires full repayment of all costs incurred for any training course in excess of [£xxx] should an employee not complete the training or leave the council within [a year] of completion. Repayment of costs reduces to [50%] reimbursement in the second year].

Travel

Employees and managers should consider whether or not travel is necessary or if there are more appropriate means (for example tele-conferencing or video-conferencing).

Rail

You may claim for standard class rail fares only. Where possible, rail journeys should be booked well in advance to benefit from any discounts for early booking.

Use of your own car

It may be appropriate and cost-effective to use your own car when travelling on business, for example if you are travelling with other staff or councillors or, where there is limited public

transport to your destination, or the journey time is significantly shorter than using public transport. Any use of your own car on business is subject to you:

- holding a full UK driving licence;
- ensuring that your car is roadworthy and fully registered; and
- holding comprehensive motor insurance that provides for business use.

Prior authorisation should be sought from **[the Clerk] (or the Chair in the case of the Clerk)**, before using your own car on business. The Council accepts no liability for any accident, loss, damage or claim arising out of any journey that you make on business. The Council will not pay for the cost of any insurance policy on your own car.

To claim for petrol expenditure, you should set out the distance of the journey undertaken on your expenses claim form. The Council will pay you a mileage allowance of **[45p]** per mile for mileage under 10,000 miles and **[25p]** per mile for mileage over 10,000 miles, or such other rate as set out from time to time by HM Revenue and Customs. The Council will pay for tolls, congestion charges and parking costs incurred, where applicable.

Use of bicycle or Motorcycle

If use of your bicycle or motorcycle is approved, you can claim a mileage allowance of **[20p]** or **[24p]** per mile respectively. Any use of your own motorcycle on business is subject the same requirements as a car (see above).

Taxis

Any use of taxis will require prior approval and only in limited circumstances. These are:

- where taking a taxi would result in a significantly shorter travel time than using public transport;
- where there are several employees travelling together; or
- where personal security and safety of employees is an issue, for example taxis may be permitted after 9.30pm.

You must obtain a receipt with details of the date, place of departure and destination of the journey.

Overnight accommodation

As a guideline for travel on council business you should book accommodation equivalent to three-star standard or less. You may book hotel accommodation of up to **[£120]** maximum in a major city and **[£100]** elsewhere. It is your responsibility to ensure that any hotel reservations are cancelled within the required cancellation period if they are no longer required.

Meals

If you are required to be away from home on council business, you may claim up to:

- **[£10]** for breakfast (if this is not included in the hotel room rate);
- **[£15]** for lunch;
- **[£20]** for dinner [; and
- **a daily allowance of [£5] per night for general incidental costs such as a newspaper or telephone calls.]**

The maximum amounts above are inclusive of drinks. Alcohol cannot be reclaimed under any circumstances.

You should supply receipts and invoices for all hotel and meal expenses other than for the daily allowance, where no receipt is required.

Entertainment/gifts

The Council has strict rules about offering or receiving both entertainment and gifts. Any gifts, rewards or entertainment offered to you should be reported immediately to **[the Clerk]** **(or the Chair in the case of the Clerk)**. As a general rule, small tokens of appreciation, for example flowers or a bottle of wine, may be retained by employees.

Annual events

The Council may decide to hold a staff event, such as a Christmas meal or other celebration. Except where agreed to the contrary, attendance is not compulsory, and you will remain responsible for any expenses you incur.

Expenses that will not be reimbursed

The Council will not reimburse you for:

- the cost of any travel between your home and usual place of work (except in exceptional circumstances for early morning/late night transport as set out above);
- the cost of any travel undertaken for personal reasons;
- the cost of any travel for your partner or spouse;
- any fines or penalties incurred while on council business for whatever reason, including penalties for not paying for a rail ticket in advance of boarding the train and penalties or fines associated with motoring offences, including speeding or parking fines, clamping or vehicle recovery charges;
- alcohol; and
- **cash advances or withdrawals from an ATM machine.**

You are required to pay for any travel costs incurred by your partner or spouse in the event that he or she accompanies you on business. Your spouse or partner must have adequate travel insurance for that journey.

False claims

If the Council considers that any expenditure claimed was not legitimately incurred on behalf of the Council, it may request further details from you. The Council will thoroughly investigate and check any expenses claim as it sees fit. It may withhold payment where insufficient supporting documents have been provided. Where payment has been made to you prior to the discovery that the claim was not legitimate or correct, it may deduct the value of that claim from your salary.

Any abuse of the Council's expenses policy will not be tolerated. This includes, but is not limited to:

- false expenses claims;
- claims for expenses that were not legitimately incurred;
- claims for personal gain;
- claims for hospitality and/or gifts without them having been declared; and
- receipt by you of hospitality and/or gifts from contacts that may be perceived to influence your judgment.

The Council will take disciplinary action where appropriate and, in certain circumstances, may treat a breach of this policy as gross misconduct, which may result in your summary dismissal. In addition, the Council may report the matter to the police for investigation and criminal prosecution.

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

Date of policy: December 2019

Approving committee:

Date of committee meeting:

Policy version reference:

Supersedes: [Name of old policy and reference]

Policy effective from:

Date for next review:

— policy ends here —

Notes

This is an example policy that should be adjusted to reflect the procedures and policy of the council. The rates are a matter for the council to decide.

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.

27th September 2021

Councillor Expenses Policy

Attached at Appendix 1 is the current Alderholt Parish Council Expenses Policy.

At Agenda Item 4 is the proposed Employee Expenses Policy.

The Committee is requested to discuss whether to keep this policy for Members or whether to recommend a new policy, possibly in line with the template at Agenda item 4.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

It is the responsibility of each Council Member to ensure that all claims are correct and capable of being validated.

Travelling for approved duties which fall outside of the Parish Boundary.

- 1) By Public transport- the actual fares paid (receipt required)
- 2) Members' Private vehicles-The travel allowances to be based on H M Revenue and Customs mileage rate currently of 45p per miles with a motor cycle rate of 24p per mile and no allowance for bicycles.
- 3) Passenger payments – up to 5p per mile per passenger (up to a maximum of four) to be claimed only for passengers who would otherwise be eligible for travelling allowance
- 4) Bicycle – 20p per mile
- 5) Payment of associated car parking charges (Car parking fines or any fines incurred on the journey WILL NOT be paid)

Points to note;

1. Any member who has a travel or expense claim that falls outside of this scheme will be required to obtain an authorisation from members through a resolution passed at a Council or committee meeting prior to the event. e.g. Travel by Taxi
2. If a member has no other means of attending an approved duty, Travel Payments can be made to a non-member who provides the transport, based on the private vehicle rate above and on a pro rata basis if anyone else in the vehicle (including the driver) is also attending the meeting.
3. The total amount of annual claims must be within the annual budget for travel allowances which should be reviewed each November for the following year.

Approved Duties- Travel must be to a venue outside of the village Boundary

1. Duties undertaken in connection with the discharge of any function/duty of the Council which has previously been agreed by the Council
2. Attendance at any meeting of an Association or Authority of which the Parish Council is a member
3. Attendance at any meeting of Dorset Council relevant to this council
4. Attendance at seminars or briefings to which all members of the Council have been invited
5. Attendance at training courses

Other Expenses

- 1) Payments through receipted expenditure only, previously approved by resolution of the council
- 2) Photocopying to be organised through the office unless previously approved by resolution of the council
- 3) All members on email (upon request) to receive 2 ink cartridges and 2 reams of paper per financial year from the clerk

**ALDERHOLT PARISH COUNCIL
EXPENSES POLICY FOR COUNCILLORS**

Claims

- 1) Claims must be made on a monthly basis.
- 2) When submitting claims electronically, VAT receipts for fuel, car park tickets/receipts and those for public transport and subsistence must be retained by the individual member and be made available for verification upon request. In the case of claims submitted on a claim form, these should be attached.

Date	Min	Action
22/09/08	P&F 21/08	Adopted
16/05/11	PC 78/11	Amended - Mileage Allowance increased to 45ppm
23/02/15	P&F 07/15	Reviewed – no change
13/05/19	PC 66/19	Reviewed – amended allowance to Expenses, order amended, reworded EDDC/DCC to Dorset Council and delete ref to EDDC Allowance Scheme.

Staffing Committee**27th September 2021****Sickness and Absence Policy**

Attached at Appendix 1 is the current Alderholt Parish Council Sickness and Absence Policy. This Sickness and Absence Policy is before Members as it was last reviewed in 2018.

I have updated the references to the Finance Committee to the Staffing Committee. The Committee is requested to discuss whether any further amendments need to be made to this procedure.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

Scope

All employees of Alderholt Parish Council

Policy

Terms and Conditions of Service (including holiday entitlements) are shown in staff contracts. They may be amended and/or supplemented from time to time.

Delegated Authority

The Council delegates authority to the Chairman and Clerk to approve applications for the taking of contractual annual leave. All other leave is granted at the discretion of the Finance Committee and recorded in the minutes.

The Council reserves the right to refuse an application for leave or time off if it is necessary to maintain appropriate levels of service. Such a decision should be reasonable in all of the circumstances.

Public Holidays

Unless the employee's contract specifies otherwise, he/she will be entitled to all public holidays including any additionally granted by government in any one calendar year.

Annual Leave

- Entitlement is shown in staff contracts. These may be amended and/or supplemented from time to time.
- Entitlement to annual leave will accrue from day 1 of the worker's employment.
- Employees are contractually entitled to the Annual and Public holidays provided for under their Conditions of Service.
- The annual leave year runs from 1 April to 31 March. Entitlement for part of a year's service is on a pro-rata basis for whole months worked.
- The leave entitlement of part-time employees is calculated pro rata of the full-time hours for their respective post. For full time employees this is 37 hours.
- The formula for calculation of pro rata holiday entitlement is leave entitlement x contracted hours ÷ 37 hours.
- When accounting part-time leave taken, a day's leave is only the number of hours that normally would have been worked on that day.
- Up to 5 days unused annual leave may be carried forward into the next leave year but this must be taken by 31st July of that year, otherwise be lost. Any application to carry over more than 5 days will be determined by the Finance Committees Staffing Committee.
- Sickness during Annual Leave - An employee who becomes sick during a period of annual leave should obtain a medical certificate from the GP or

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hospital. Leave will be suspended from the date of the medical certificate and can be re-applied for when the employee returns to fitness.

- Annual Leave Entitlement on Termination of Employment - If an employee leaves the Council's employment during a leave year, he/she should use up any remaining leave entitlement prior to their termination date.
- If there are valid reasons why the employee cannot take leave due, he/she will be entitled to receive pay in lieu of the untaken leave.
- If the employee has taken leave beyond that earned by service in the year, a deduction for the excess leave taken will be made from the final salary payment.
- Records of leave shall be kept by the Clerk.

Obligatory Time Off or Statutory Rights

Sick Leave

Notification and certification - If an employee is unable to attend work due to sickness, he or she must notify the Council by contacting the Clerk (or Chairman) as soon as possible, but no later than the end of the working day on which the absence first occurs. He or she should indicate the reason for the absence and, if possible, when he or she expects to return to work.

The employee must complete a self-certification form for the first seven calendar days of all sickness absences and give it to the Clerk. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must request a copy form and complete and post it to the Clerk as soon as possible.

If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to the Clerk. Current fit notes must cover subsequent periods of absence. The employee should also keep in touch with the Clerk regarding the status of their condition and likely return to work date.

If the employee does not follow this procedure, they may be dealt with under the Council's Disciplinary Policy. Furthermore, the employee's contractual sick pay and statutory sick pay (SSP) may be withheld.

Private medical certificates - In some circumstances the Council may require the employee to provide private fit notes for all absences from work due to sickness, regardless of their duration. The Council will reimburse him or her fully for the cost of obtaining these certificates. Examples of such circumstances include:

- a history of absenteeism
- an appearance or disposition such that management are concerned that the employee may not be receiving adequate medical attention.

Return to work - The employee will not be allowed to return to work until their GP deems that they are fit to return. Requests for temporary adjustments to the employee's working conditions will be considered by the ~~Finance Committee~~Staffing

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Committee and will be accommodated wherever possible and if Council's circumstances permit.

In the case of extended periods of absence, the Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Council's choice.

Regardless of their length of absence, the employee will be interviewed by the Clerk on their return to work in order to:

- check on the employee's fitness to return
- ensure that all the support the employee needs is in place
- bring the employee up to date on any changes.

Fit notes - An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

If a fit note is received the Clerk will contact the employee and arrange for a meeting between the employee and the Clerk. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work. If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

Medical examination - The Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion. (A refusal to be examined may lead the Council to take disciplinary action against the employee, up to and including dismissal.)

Access to medical reports - In order to gain as much information about the employee's medical condition as possible, the Council may also request the employee's permission to contact his or her GP and ask for a medical report on the employee's condition. The employee may ask to see this report.

Extended absences - The Council will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- full consultation with the employee
- medical investigation
- a consideration of alternative employment.

Where a return to work does prove possible, the Council may require that the employee's fitness to return is confirmed by a practitioner of the Council's choice.

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Meetings/home visits - During any absence it is important that the employee keeps in touch so that Clerk is kept informed of the employee's health and likely return-to-work date. The employee will therefore be periodically asked to attend meetings with the Chairman, for the purpose of providing information and facilitating an effective return to work. If the employee is too unwell or physically unable to leave their home, the Council reserves the right to visit him or her at home.

Disability - If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

Dismissal and the right to appeal - In the event of a dismissal, the reason for the dismissal and the circumstances leading up to that decision will be documented in writing to the employee. The employee may appeal against their dismissal by writing, within five working days of their receipt of the dismissal letter, to the Chairman, stating the grounds on which they wish to appeal. The appeal will be heard in accordance with the Council's Disciplinary Policy. This right also applies to 'action short of dismissal' such as alteration of duties.

Payment arrangements – An employee will be paid your agreed basic remuneration in line with the scale of payment for any one year that runs from 1 April to 31st March. The Council will be responsible for reclaiming the Statutory Sick Pay element from HM Revenue & Customs.

Entitlement to payment is subject to notification of absence and production of medical certificates as required.

The Council operates the Statutory Sick Pay scheme and the employee is required to co-operate in the maintenance of necessary records. For the purposes of calculating entitlement to Statutory Sick Pay 'qualifying days' are those days on which an employee is normally required to work. Payments made by the Council under its sick pay provisions in satisfaction of any other contractual entitlement will go towards discharging the Council's liability to make payment to you under the Statutory Sick Pay scheme.

The Council reserves the right to require you at any time to submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council.

Whilst on absence due to sickness or incapacity you are not permitted to undertake any paid work for another employer or for any business established by you without express permission from the Council.

Scale of Payment - Subject to the above conditions of this scheme, when absent from duty owing to illness (which term is deemed to include injury or other incapability or disability) an employee will be entitled to receive an allowance in accordance with the following scale:

ALDERHOLT PARISH COUNCIL SICKNESS AND ABSENCE POLICY

during 1st - year of service	one months full pay and (after completing 4 months service) 2 months half pay
during 2nd - year of service	2 months full pay and 2 months half pay.
during 3rd - year of service	4 months full pay and 4 months half pay.
during 4th & 5th - year of service	5 months full pay and 5 months half pay.
after 5 years of service	6 months full pay and 6 months half pay.

For the purposes of calculating “half” pay, the rate of pay for the agreed salary month will be used.

Return of the Council's equipment – If the employee is off sick for an extended period of time (e.g. one month or more) the Council may require them to return Council equipment until they are well enough to return to work. If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding Council equipment on the date of termination of his or her employment

Maternity & Paternity Leave

The Parish Council recognises the statutory entitlement for maternity and paternity leave.

Adoption Leave

The Parish Council recognises the statutory entitlement for adoption leave.

Flexible Working

The Parish Council recognises the statutory entitlement for flexible working.

Parental Leave

Each parent employed by the Council may take up to 18 weeks' unpaid leave to care for their child. The leave may be taken at any time up to the child's 5th birthday. If the child has a disability this timescale is extended until their 18th birthday.

In the case of adopted children 18 weeks leave may be taken at any time in the first five years after the child is placed with its adoptive parents but must be taken before the child reaches 18.

Leave can only be taken in blocks of a week unless the child has a disability, in which case shorter periods are permissible.

No more than 4 weeks' parental leave in respect of each qualifying child can be taken in any one year.

Time off to care for dependants

The Parish Council allows reasonable amounts of unpaid time off to deal with certain issues affecting dependants [a dependant is the employee's spouse or civil partner, child, parent, elderly aunt or grandparent or a person who lives in the same

ALDERHOLT PARISH COUNCIL SICKNESS AND ABSENCE POLICY

household as the employee (but who is not his or her employee, tenant, lodger or boarder].

Unpaid leave may be granted for:

- To provide assistance on an occasion where a dependant falls ill, gives birth or is injured or assaulted;
- To make arrangements for the provision of care for a dependant who is ill or injured;
- In consequence of the death of a dependant;
- Because of the unexpected disruption or termination of arrangements for the care of a dependant
- To deal with an incident involving a child of the employee which occurs unexpectedly in a period during which an educational establishment is responsible for the child.

Trade Union Official duties and activities

If an employee is a Trade Union Official, that person will be allowed to take reasonable time off during working hours to carry out his or her duties as an official which are concerned with collective bargaining on behalf of employees or to undergo training relevant to carrying out collective bargaining.

Paid Time Off for union activities

An employee who is a member of an independent trade union recognised by the Council will be permitted to take reasonable paid time off (as per ACAS guidelines) to take part in certain activities during working hours. These activities are activities of the union of which the employee is a member and any activities in relation to which the employee is acting as a representative.

Unpaid Time off in relation to industrial action

The Parish Council does not permit time off for an employee who is a trade union member before any industrial action begins in order to deal with certain issues, such as allowing members to vote in an approved ballot or for the member to discuss ways of avoiding the industrial action.

Time off for public duties

The Parish Council will allow an employee who is a Justice of the Peace or a member of the local authority to take reasonable time off to perform his or her duties as JP or member. This may include attending a meeting of the body or its committees. The maximum number of hours permitted is 208 hours of paid time off in any one financial year. This limit does not apply to the Chairman of the Council or the Mayor of an authority.

Safety Representatives

Safety Representatives are permitted time off with pay for their performance of their duties as a Safety Representative.

Jury Service

The Parish Council permits the granting of leave to attend court to serve as a juror, but this will be unpaid leave.

ALDERHOLT PARISH COUNCIL SICKNESS AND ABSENCE POLICY

Non – Statutory leave

Examination Leave

Employees are allowed time off, with pay, to sit approved examinations upon request.

Compassionate leave

Compassionate Leave, with or without pay, may be granted at the discretion of Council but will not normally exceed 5 days. Compassionate grounds may include serious illness or death of a close relative or friend and attendance at a funeral.

Adverse Weather Conditions

If employees are unable to work for reasons related to weather conditions (including school closures), then employees are required to take annual leave. If there is no annual leave entitlement remaining, then leave must be taken as unpaid.

Service in non-regular forces.

Green Book provisions provides that service in non-regular forces such as the Territorial Army should be treated as 'public duty' for leave purposes and so paid.

Date	Min	Action
24/02/2014	P&F14/14	Adopted
23/02/2015	P&F07/15	Reviewed
09/03/18		Amended re changes to P & F Committee
Next Review	Feb 2019	

Staffing Committee

27th September 2021

Grievance Policy

Attached at Appendix 1 is a proposed Alderholt Parish Council Grievance Policy.

This is a NALC template and the Staffing Committee is requested to discuss whether a Grievance Policy is required and any amendments, if necessary.

This procedure is also referred to at Agenda Item 10 – Standing Orders.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

ALDERHOLT PARISH COUNCIL

GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final

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

Informal grievance procedure

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

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

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

Notification

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

- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:

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

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

The appeal

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

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

- a failure by the Council to follow its grievance policy

- the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.
 15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
 16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
 - explain the action that the appeal panel may take.
 17. The employee (or companion) will be asked to explain the grounds of appeal.
 18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
 19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
 20. The decision of the appeal panel is final.

27th September 2021

Disciplinary Procedure

Attached at Appendix 1 is the current Alderholt Parish Council Disciplinary Procedure. This Disciplinary Procedure is before Members as it was last reviewed in 2015.

The Committee is requested to discuss whether any further amendments need to be made to this procedure.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

PURPOSE AND SCOPE

This procedure is designed to help and encourage all council employees to achieve and maintain high standards of conduct whilst at work or representing the council. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the ACAS Code of Practice APR 2009

PRINCIPLES

- a) No disciplinary action will be taken against an employee until the case has been fully investigated
- b) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- c) At all formal stages the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- d) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- e) An employee will have the right to appeal against any disciplinary penalty imposed.
- f) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

THE PROCEDURE FOR MISCONDUCT and GROSS MISCONDUCT

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

- Unauthorised absence from work
- Persistent short-term and/or frequent absences from work without a medical reason
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other Society rules or procedures
- Failure to perform your job to the standard expected or in line with your job description/objectives
- Time wasting
- Disruptive behaviour
- Misuse of the council's facilities (e.g. telephones, computers, email or the internet)
- Refusal to carry out reasonable requests or instructions
- Smoking in unauthorised areas
- Failure to follow an agreed council Procedure

This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated N.B. persistent or frequent absence on medical grounds and long term sickness absence will be dealt with using a procedure for Incapacity, which is described in the Absence Policy.

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3.1.2 The following list provides examples of offences which are normally regarded as **gross misconduct**:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault on another person
- Deliberate damage to property of the council, its workers or members
- Gross incompetence in the conduct of work
- Gross negligence which results in the council or employees being put at risk.
- Being under the influence of illegal drugs or excessive alcohol
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- Serious acts of insubordination
- Serious breach of duty to keep information of the council, its service providers and its clients confidential
- Unauthorised entry to computer records
- Serious breach of the council's Security Policy, Health & Safety Policy, Confidentiality or e-mail and Internet Policy
- Any action, whether committed on or off the premises, that is likely to or does bring the council into disrepute
- Serious negligence which causes or might causes significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Society funds or credit
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the council.

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at Gross Misconduct level which carries a potential penalty of dismissal. Gross Misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

3.2 INFORMAL ACTION

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by members of the Staffing (or similar) committee and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used:

3.3 FORMAL ACTION

3.3.1 The level of warning you may receive for misconduct/gross misconduct will depend on how serious the council considers the alleged actions to be and your previous conduct in all the circumstances. In the event of alleged gross misconduct the formal process may commence at Stage 4 –see 3.4 below.

3.3.2 Disciplinary Letters

If there is a concern about an employee's conduct or behaviour then a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct

ALDERHOLT PARISH COUNCIL DISCIPLINARY PROCEDURE

will be discussed and will inform the employee of their right to be accompanied to the meeting. The letter will specify at which stage the disciplinary procedure is being invoked (see 4 stages below) and if invoked at Stage 4 for Gross Misconduct the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

3.3.3 Disciplinary Meetings

The time and location of a disciplinary meeting should be agreed with the employee and it should be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee to prepare their case e.g. within 5 days of the letter being sent, where practically possible. At the meeting the manager (or in the case of the Clerk being disciplined, the Chair of the hearing panel) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence and call witnesses if advance notice has been given that they will do so.

If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g. illness) then the council will reasonably rearrange the meeting. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

3.4 OUTCOMES AND PENALTIES

Stage 1 - Oral Warning

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal ORAL WARNING. He or she will be advised of;

- the reason for the warning,
- that it is the first stage of the disciplinary procedure,
- the improvement that is required and the timescales for achieving this improvement,
- together with a review date and any support available (where applicable) and
- his or her right of appeal.

A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct.

Stage 2 - Written Warning

If the offence is a serious one, or if further to previous formal disciplinary action, a WRITTEN WARNING will be given to the employee by the Line Manager. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct..

Stage 3 – Final Written Warning

If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the Line Manager (or in the case of the Clerk being disciplined by the Chair of the Hearing Panel) but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

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Stage 4 – Dismissal or other sanctions

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Society reasonably believes Gross Misconduct has occurred, DISMISSAL may result. Only the appropriately convened hearing panel can take the decision to dismiss an employee. The employee will be given a written statement of allegations against him/her, invited to a meeting and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e. without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right of appeal.

Very exceptionally, if an offence of Gross Misconduct is extremely serious an employee can be dismissed immediately without a meeting. In this situation a letter setting out reasons for dismissal would be sent to the employee offering the opportunity for an appeal hearing.

3.5 SUSPENSION

If you are accused of an act of gross misconduct, you may be suspended from work on full pay while the council investigates the alleged offence. Only the appropriately convened committee has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending disciplinary investigation regular contact with a nominated person at the council will be maintained although access to premises, equipment or systems may be denied. The Investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. Councils need to consider the implications of such arrangements on its hearing and appeal panel plans early on in the disciplinary process.

3.6 APPEALS

The Appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for Misconduct/Poor Performance or Gross Misconduct.

An employee who wishes to appeal against a disciplinary decision should inform the Chair/Mayor (or Chair of the relevant committee) within five working days, in writing and giving reasons for the appeal. An Appeal may be raised if:

- The employee thinks the finding or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

ALDERHOLT PARISH COUNCIL DISCIPLINARY PROCEDURE

3.7 THE RIGHT TO BE ACCOMPANIED

At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary interview. This right is enshrined in the 1999 Employment Relations Act. As this is an internal process there is no provision to have any external person accompany or represent an employee e.g. partner, parent, solicitor etc. the companion can address the hearing, put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting, confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to or prevent the employee explaining their case.

3.8 HEARING PANELS

The SLCC advise that councils establish hearing panels to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

3.9 NOTE-TAKING

It is highly recommended that a note-taker be provided to every meeting/hearing which arises as a result of a disciplinary process as Employment Tribunals are particularly keen to view contemporaneous notes of events which have led to an employment dispute. Councils will need to give this requirement careful consideration in order to respect employee confidentiality.

3.10 GRIEVANCES RAISED DURING DISCIPLINARIES

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. The SLCC recommends, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but SLCC would advise caution and specialist advice should be sought if this arises.

3.11 CRIMINAL CHARGES OR CONVICTIONS

If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates or customers.

4. GETTING IT WRONG

Failure to follow the ACAS Code of Practice (available at www.acas.org.uk) can lead to an Employment Tribunal awarding an uplift of an award against the council of up to 25%. Tribunals dealing with unfair dismissal claims are particularly interested in whether the employer followed a procedure and whether the employer acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate that

ALDERHOLT PARISH COUNCIL DISCIPLINARY PROCEDURE

procedure to staff and Members, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.

Adopted Alderholt Parish Council

Date; 9th March 2015

Minute; 54/15

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Date	Min	Action
09/03/15	PC54/15	Adopted
Next Review	Oct 2021	

Staffing Committee

27th September 2021

Complaints Procedure

Attached at Appendix 1 is the current Alderholt Parish Council Complaints Procedure. This Complaints Procedure is before Members as it was last reviewed in 2019.

I have updated the Clerks and Chairman's details, along with the new Code of Conduct being adopted, recently. The Committee is requested to discuss whether any further amendments need to be made to this procedure.

In addition, this procedure is also referred to at Agenda Item 10 – Standing Orders.

Any recommendations from the Staffing Committee will be forwarded to the meeting of Alderholt Parish Council to be held on 11th October 2021 for decision.

Policy Statement

Alderholt Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

PLEASE NOTE: All information will be kept confidential, particularly names and addresses which could identify a complainant, site or complaint. All complaints will be recorded and include: -

- Full name and address
- Details of the complaint including relevant dates
- Action taken

Who does this apply to?

This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns. It does not deal with complaints against individual Councillors (see end of document)

More specifically a complaint is where: -

- The Council has not done something it has a duty to do or normally does
- The Council has done something it has no right to do or does not normally do as a matter of established practice
- The conduct or behaviour of a member of staff is unsatisfactory
- A person does not understand or is not informed of why or how a situation arose or exists
- An adopted and known procedure is not followed
- Maladministration is alleged.

How do I make my views known?

You may not have a complaint but still want to express a view on Council business. The appropriate time for commenting on Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you disagree with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

ALDERHOLT PARISH COUNCIL COMPLAINTS PROCEDURE

Procedure

You may make your complaint about the council's procedures or administration to the clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.

Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.

The Chairman of the Council will be informed of the complaint and the action being taken and will keep the matter under review.

If the complaint involves the Clerk, an approach should be made directly to the Chairman of the Parish Council who will follow the same procedure.

The Clerk or the Chairman of the Parish Council will notify you within 20 working days of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Finance Committee of the Parish Council or the Staffing Committee, if it is a complaint regarding a member of staff and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Contacts

The Clerk of Alderholt Parish Council

Ms Lee Ellis

Parish Office, 1 Station Road, Alderholt, Hants, SP6 3RB

Tel; 01425 657587

clerk@alderholtparishcouncil.gov.uk

The Chairman of Alderholt Parish Council

Cllr Adrian Hibberd

Lower Bull Farm, Fordingbridge, Hants, SP6 3EF

Tel; 01425 652049

CouncillorAHibberd@alderholtparishcouncil.gov.uk

This Complaints Procedure DOES NOT apply to complaints against Councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 23rd August 2021.

By law, all Councillors and co-opted Councillors are required to follow a Code of Conduct when acting in their capacity as a Councillor. A Code of Conduct has been

ALDERHOLT PARISH COUNCIL COMPLAINTS PROCEDURE

adopted by the Parish Council which can be found on our website or upon request to the Council Office. The Code allows the Council to fulfill its obligations under section 27(2) of the Localism Act 2011 and is consistent with the principles of public life as set out in the Act.

Dorset Council is the authority which deals with complaints against Councillors and has adopted procedures for dealing with those complaints. If a member of the public feels a Councillor has broken any of the rules of the Code of Conduct, they can complain to the Monitoring Officer at Dorset Council who will investigate the allegation that Councillors' behaviour may have fallen short of the required standards.

The Monitoring Officer's contact details are;

Jonathan Mair
Head of Legal and Democratic Services
jonathan.mair1@dorsetcouncil.gov.uk
Tel; 01305 224181

Broadly, the Code requires Councillors: -

- to behave in such a way that a reasonable person would regard as respectful
- to not act in a way which a reasonable person would regard as bullying or intimidatory
- to not seek to improperly confer an advantage or disadvantage on any person
- To use the resources of the Council in accordance with its requirements.
- To not disclose information which is confidential or where disclosure is prohibited by law
- If they have a personal interest in a matter than comes before the Council, to declare the fact and, if appropriate, not take part in the decision-making process
- To register financial and other interests (a copy of the register is available for public inspection)

Date	Min	Action
13/06/11	PC 107/11	Adopted
14/05/12	PC 79/12	Reviewed – no change
23/02/15	P&F 07/15	Reviewed and amended complaints procedure
09/03/18		Amended re P & F changes, Chairman details and EDDC address
14/05/18	PC 56/18	Check Chairman's details
13/05/19	PC 59/19	Check Chairman's Details and Monitoring Officer

ALDERHOLT PARISH COUNCIL COMPLAINTS PROCEDURE

Staffing Committee

27th September 2021

Standing Orders – Handling Staff Matters

At the meeting of Alderholt Parish Council held on 23rd August 2021, Members reviewed the Parish Council Standing Orders. It was agreed that Section 19 - Handling Staff Matters should be referred to the Staffing Committee for completion. The recommendations from the Staffing Committee would then be presented to Alderholt Parish Council for agreement.

The Staffing Committee is requested to discuss and agree the following standing orders.

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of [Council] OR [the () committee] OR [the () sub-committee] is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of [the () committee] OR [the () sub-committee] or, if he is not available, the vice-chairman (if there is one) of [the () committee] OR [the () sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the () committee] OR [the () sub-committee] at its next meeting.
- c The chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff's job title]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by [the () committee] OR [the () sub-committee].
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of [the () committee] OR [the () sub-committee] or in his absence, the vice-chairman of [the () committee] OR [the () sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title] relates to the chairman or vice-chairman of [the () committee] OR [the () sub-committee], this shall be communicated to another member of [the () committee] OR [the () sub-committee], which shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).