

# Peasemore Parish Council

## Peasemore Parish Council General Policies & Procedures

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# Peasemore Parish Council

## Anti-Fraud and Corruption Policy

### Statement of Intent

1.1 In carrying out its functions and responsibilities the Parish Council will promote a culture of honesty, openness and fairness and requires elected members and employees at all levels to conduct themselves in accordance with the principles contained in The Relevant Authorities (General Principles) Order 2001 throughout their term of office or employment with the Parish Council. The principles contained in the Order are detailed in Appendix 'A'.

Consequently the Parish Council recognises and accepts the need for an Anti-Fraud and Corruption Policy.

The Parish Council will not tolerate fraud and corruption in the administration of its responsibilities and will deal equally with offenders whether from inside or outside the Parish Council.

1.2 Fraud and corruption are defined as follows:-

- Fraud is the intentional distortion of financial statements, accounts or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain or to mislead or misrepresent.

- Corruption is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person to act against the interests of an organisation.

In addition, corruption is hereby defined to also include the deliberate failure to disclose an interest in order to obtain a financial or other pecuniary gain for oneself or another.

### 2. Culture

2.1 The Parish Council promotes a culture of honesty, openness and fairness which supports its opposition to fraud and corruption. The prevention and detection of fraud and corruption and the protection of the public purse are the responsibility of everyone. The elected members and employees play an important role in creating and maintaining this culture. All are positively encouraged to raise concerns regarding fraud and corruption in the knowledge that such concerns will wherever possible be treated in confidence.

2.2 The Parish Council will ensure that any allegations received will be taken seriously and investigated in an appropriate manner. Those who defraud the Parish Council or who are corrupt or who instigate financial malpractice will be dealt with firmly. There is however a need to ensure that any investigation process is not misused and, therefore, any abuse may, where appropriate, be dealt with as a disciplinary matter.

2.3 Where fraud and corruption has occurred due to a breakdown in systems or procedures, arrangements will be made to ensure that the appropriate improvements in systems of control are implemented to prevent a re-occurrence.

### 3. Prevention

#### 3.1 Role of Elected Members

As elected representatives all Members of the Council have a duty on behalf of their electorate to protect the Council from all forms of fraud and corruption. This is reflected through the adoption of this Policy and compliance with the Code of Conduct for elected Members, the Councils Standing Orders and Financial Regulations and other relevant legislation.

When they take office elected Members are required to sign to the effect that they have read and understood the Code of Conduct. The Code requires elected Members, inter alia, to declare and register interests and to register receipt of gifts and hospitality. In addition elected members are given the

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opportunity to attend periodic update sessions on matters of conduct and standards provided by the District Council's Monitoring Officer.

## **3.2 Role of Officers and Employees**

### **3.2.1 Officer**

Officers are responsible for the communication and implementation of this Policy in their respective work areas. They are also responsible for ensuring that employees are aware of the Council's Financial Regulations and Standing Orders and that the relevant requirements of each are being met in the day to day conduct of Council business.

Officers are expected to strive to create an environment in which employees feel able to approach them with any concerns they may have regarding suspected irregularities. All such concerns must be communicated to the Parish Clerk.

Special arrangements will apply where employees are responsible for cash handling or are responsible for financial systems and systems that generate payments. Checks are carried out on a regular basis to ensure that proper procedures are being followed.

The Council recognises that a key preventative measure in dealing with fraud and corruption is ensuring that effective steps are taken at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees whether for permanent, temporary or casual posts. The Council has a recruitment procedure which contains appropriate safeguards on matters such as written references and verification of qualifications held. In addition where appropriate the relevant Criminal Records Bureau checks will be undertaken for employees who will be required to work with children or vulnerable people.

### **3.2.2 Employees**

The work of employees is governed by the Council's Standing Orders and Financial Regulations and other relevant policies i.e. Health and Safety etc.

In addition to the above employees are responsible for ensuring that they follow the instructions given to them by their line manager particularly with regard to the safekeeping of the Council's assets.

Employees are expected to be aware of the possibility that fraud, corruption and theft may occur in the workplace. Concerns must be raised through use of the Council's Whistleblowing policy.

## **3.3 Conflicts of Interest**

Elected Members must act as laid down in the Code of Conduct and employees must act in accordance with parish policies to ensure that they avoid situations where there is a potential for a conflict of interests. Effective role separation will ensure that decisions made are seen to be based on impartial advice and therefore avoid questions regarding improper disclosure of confidential information.

## **3.4 Role of Internal / Independent Audit**

The Parish Clerk is responsible for ensuring that there is an adequate and effective system of internal audit of the Council's accounting, financial and other systems in accordance with the provisions of the relevant Accounts and Audit Regulations. Internal audit plays a significant preventative role in ensuring that the relevant systems deter fraud and corruption and will work with management to identify the procedural changes necessary to prevent the Council from exposure to losses. Internal audit will also investigate cases of suspected irregularity or fraud.

## **3.5 Role of External Audit**

In line with the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015, the external auditor has a responsibility to review the Council's arrangements for preventing and detecting fraud and irregularities and arrangements designed to limit the opportunity for corrupt practices. This responsibility is satisfied by the completion the Annual Governance & Accountability Return.

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## **4. Deterrence**

4.1 Fraud, corruption and theft are considered to be serious offences against the Council and employees will face a disciplinary investigation if there is an allegation that they have been involved in any of these activities. Where necessary, disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case in a consistent manner.

4.2 Similarly any elected Member will face appropriate action under this policy if it is shown that they have been involved in fraud, corruption or theft against the Council or have otherwise acted illegally.

4.3 The Council will not seek to cover up cases of fraud and corruption but conversely will try to ensure that the results of any action taken, including prosecutions, are notified to the media.

4.4 In all proven cases where financial loss has occurred and it is in the public's interest to do so the Council will seek to recover such loss and will give consideration to publicising the fact.

4.5 All anti-fraud and corruption activities, including the adoption of this policy, will be publicised to make employees and the public aware of the Council's commitment to taking appropriate action on fraud and corruption when it occurs.

## **5 Detection and Investigation**

5.1 Systems of internal control have been established together with Financial Regulations and Standing Orders to deter fraud and corruption. These are complemented by the work undertaken by Internal Audit in the review of systems and financial controls.

5.2 In addition it is often the vigilance of employees and members of the public that aids detection. Employees are to be encouraged to raise their concerns without the fear of recrimination and the Council's Whistleblowing procedure has been designed specifically to address this matter.

5.3 Frauds are, in some cases, discovered by chance or 'tip-off' and arrangements are in place to enable such information to be properly dealt with. 5.4 All suspected irregularities should be reported directly, or via an intermediary, to the Parish Clerk. This is essential to ensure the consistent treatment of information regarding fraud and corruption and will facilitate a proper and thorough investigation.

5.5 Investigations will normally be conducted by the Council's RFO / Parish Clerk who will determine whether or not referral to the Police is appropriate after consultation with the Chairman of the Council. The outcome of all investigations where loss has been suffered will be reported to the Council's external auditor.

5.6 Following the completion of an investigation, the circumstances will be assessed to determine the need for procedural and system changes to ensure that future risks are eliminated.

5.7 Where necessary, following the investigation, the Council's disciplinary procedures will be applied to any employee found to be guilty of improper behaviour.

## **6 Awareness and Training**

6.1 The Council recognises that the sustained success of this policy and its general credibility will depend upon the effectiveness of its training programmes and awareness on the part of elected members and employees throughout the organisation.

6.2 Employees will be made aware of their responsibilities and the procedures to be followed for the safekeeping of Council's assets and will be advised that failure to adhere to the specified procedures may lead to disciplinary action being taken.

## **7 Conclusion**

The Council has in place a network of systems and procedures to assist in the prevention and detection of fraud and corruption. The Council is determined to ensure that these arrangements will keep pace with future developments in prevention and detection techniques regarding fraudulent or corrupt activity that may affect its operations. The Parish Clerk has day to day responsibility for the successful operation of the relevant systems supported by internal and external audit and will ensure that this policy is reviewed annually in order to be satisfied that the Council's exposure to potential fraud and corruption is minimised and that the results of this review are reported to the full Council.

# Peasemore Parish Council

## Code of Practice for Handling Complaints

1. Peasemore 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.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
  - 3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
  - 3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on September 2016 and, if a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer of West Berkshire Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of West Berkshire Council.
4. The appropriate time for influencing 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 are unhappy 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.
5. You may make your complaint about the council's procedures Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The contact details can be found at [www.peasemore.org.uk](http://www.peasemore.org.uk)
6. 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.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.
8. The Clerk or the Council as appropriate will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and 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.)
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council and usually within eight weeks you will be notified in writing of the outcome of the review of your original complaint

# Peasmore Parish Council

## General Privacy Policy

Your personal data – what is it? “Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data).

The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

### Who are we?

This Privacy Notice is provided to you by Peasmore Parish Council which is the data controller for your data. Other data controllers the council works with:

- local authorities
- Community groups

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller. A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;

### How we use sensitive personal data

- We may process sensitive personal data including, as appropriate: - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work; - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation; - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances: - In limited circumstances, with your explicit written consent. - Where we need to carry out our legal obligations. - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

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## **Do we need your consent to process your sensitive personal data?**

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. The council will comply with data protection law. This says that to send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services. Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

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

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

This Privacy Notice sets out your rights and the council's obligations to you. We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy. Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

## **Sharing your personal data**

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

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

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

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims).

We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed. Your rights and your personal data You have the following rights with respect to your personal data: When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security.

In such cases we will need you to respond with proof of your identity before you can exercise these rights.

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## 1) The right to access personal data we hold on you

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to

## 2) The right to correct and update the personal data we hold on you

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

## 3) The right to have your personal data erased

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

## 4) The right to object to processing of your personal data or to restrict it to certain purposes only

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

## 5) The right to data portability

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

## 6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

## 7) The right to lodge a complaint with the Information Commissioner's Office.

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. International data transfers Information that we collect may be stored and processed in and transferred between any of the countries in which we operate in order to enable us to use the information in accordance with this privacy policy.

If you are in the European Economic Area (EEA), information which you provide may be transferred to countries which do not have data protection laws equivalent to those in force in the EEA. In addition, personal information that you submit for publication on the website will be published on the internet and may be available, via the internet, around the world. You expressly agree to such transfers of personal information.

## Further processing

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



# Peasemore Parish Council

## Website Privacy

We are committed to safeguarding the privacy of our website visitors; this policy sets out how we will treat your personal information.

### What information do we collect on our website?

We may collect, store and use the following kinds of personal data:

- (a) information about your computer and about your visits to and use of this website (including your IP address, geographical location, browser type, referral source, length of visit and number of page views)
- (b) any other information that you choose to send to us

### Cookies

A cookie consists of information sent by a web server to a web browser, and stored by the browser. The information is then sent back to the server each time the browser requests a page from the server. This enables the web server to identify and track the web browser.

Cookies can identify users, remember preferences, and help users complete tasks without having to re-enter information when visiting multiple pages or returning to your site. This helps provide a more personalised and slick user experience. As advised on the Pop Up at the foot of the page - by using our website you are consenting to the use of cookies. We may use both "session" cookies and "persistent" cookies on the website.

We will use the session cookies to keep track of you whilst you navigate the website. We will use the persistent cookies to enable our website to recognise you when you visit. Session cookies will be deleted from your computer when you close your browser. Persistent cookies will remain stored on your computer until deleted, or until they reach a specified expiry date.

### Third party websites

The website contains links to other websites. We are not responsible for the privacy policies or practices of third party websites. Using your personal data Personal data submitted on this website will be used for the purposes specified in this privacy policy or in relevant parts of the website. Where you submit personal information for publication on our website, we will publish and otherwise use that information in accordance with the licence you grant to us. We will not without your express consent provide your personal information to any third parties for the purpose of direct marketing. Security of your personal data

We will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information. Of course, data transmission over the internet is inherently insecure, and we cannot guarantee the security of data sent over the internet. General Amendment, Updating Information & Contact Details Policy amendments

We may update this privacy policy from time-to-time by posting a new version on our website. You should check this page occasionally to ensure you are happy with any changes.

### Your rights

You may instruct us to provide you with any personal information we hold about you.

**Updating information:** Please let us know if the personal information which we hold about you needs to be corrected or updated.

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

**The Data Controller:** Peasemore Parish Council Clerk - Email: [parishcouncil@Peasemore.org.uk](mailto:parishcouncil@Peasemore.org.uk)

# Peasemore Parish Council

## Disciplinary Procedure

### 1 INTRODUCTION

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to: -

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the council's image and reputation with the public.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct or underperformance. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- I. Unsatisfactory time keeping.
- II. Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- III. Failure to comply with rules and regulations applicable to job requirements.
- IV. Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the council.
- V. Insubordination.

1.2 The following list provides examples of conduct that will normally be regarded by the council as Gross Misconduct. This list is not exhaustive. These are examples only:

- I. Refusal or repeated failure by an employee to carry out his or her duties.
- II. Falsification of documents or information (including expense claims).
- III. Unauthorised disclosure of confidential information.
- IV. Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the council.
- V. Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the council.
- VI. Serious or repeated harassment (including sexual and racial harassment).
- VII. vii. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
- VIII. Wilful damage to council property.
- IX. Theft, unauthorised use or possession of council property or theft of the property of a fellow employee.
- X. Conduct bringing the council into disrepute.

Any other conduct that from time to time is defined by the council as amounting to gross misconduct

### 2 SCOPE

The procedure applies to all employees of Peasemore Parish Council

### 3 INFORMAL ACTION

3.1 In cases of minor misconduct or underperformance managers will deal with matters informally by discussing the issues with the employee and encouraging them to achieve the required standards. This will involve setting clearly defined objectives and /or standards, monitoring them over a reasonable time period and providing training and appropriate support. Such actions are not part of a formal disciplinary process.

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## **4 STANDARD COUNCIL DISCIPLINARY PROCEDURE**

4.1 In the case of serious misconduct, or continued minor misconduct, or underperformance, the Council may deem it necessary to consider a formal disciplinary sanction. The following formal disciplinary procedure will be followed.

4.2 The Council will investigate any alleged misconduct or underperformance and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.

4.3 If an employee is accused of any Gross Misconduct he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s) and the holding of a disciplinary hearing. During this time the employee should remain away from the workplace and should not contact colleagues or Councillors without prior permission. The Council may require the employee to attend a meeting to investigate the circumstance of the alleged offence whilst suspended from work.

4.4 Following the investigation the council will write to the employee inviting them to attend a disciplinary hearing to discuss the matter. The council will set out in writing the allegations of misconduct, under performance concerns, or other circumstances which lead the council to contemplate taking disciplinary action against the employee. The employee will be warned if the disciplinary action might amount to dismissal.

4.5 The employee will be provided with any relevant supporting evidence and a copy of this disciplinary policy. The letter will also advise the employee of their right to be accompanied at the hearing by a workplace colleague or trade union official.

4.6 The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the letter before attending the meeting. The employee must take all reasonable steps to attend the meeting.

4.7 Disciplinary meetings will normally be convened within 5 working days of the council sending the employee the letter.

4.8 If the time or date proposed for the meeting is inconvenient (either for the employee or for the employee's companion should he or she wish to be accompanied to the meeting) the employee may ask to postpone the meeting by up to 5 working days. If the employee fails to attend on this second date then the hearing may proceed in their absence, or it may be postponed again should there be reasonable cause.

4.9 The employee will have the opportunity to state their case at the disciplinary hearing. The Chairman of the meeting may adjourn the hearing to allow matters raised during the course of the meeting to be investigated. The employee will be informed of the period of any adjournment.

4.10 After the meeting the Council will inform the employee of their decision and any applicable sanction in writing within 5 working days unless additional investigation is required.

4.11 If the employee wishes to appeal against the decision he or she must notify the council in writing within 5 days of receiving written notice of the decision. The employee should set out full grounds for appeal prior to the meeting.

4.12 If the employee notifies the council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.

4.13 A disciplinary appeal meeting will normally be convened within 7 working days of the council receiving notification that the employee wishes to appeal. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to 5 working days.

4.14 At the meeting any new evidence that the employee wishes to put forward will be considered together with any new evidence from the council. The original disciplinary penalty will be reviewed but the sanction originally imposed will not be increased upon appeal. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated.

4.15 After the disciplinary appeal meeting the council will inform the employee of its final decision in writing within 5 working days.

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4.16 If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.

## **5 FORMAL DISCIPLINARY SANCTIONS FOLLOWING DISCIPLINARY HEARING**

### **5.1 VERBAL WARNINGS**

Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the council. A note confirming the Verbal Warning will be placed on the employees personnel file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for 6 months.

The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

### **5.2 STAGE 1 - FIRST WRITTEN WARNING FOR MISCONDUCT**

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will be issued by the Chairman of Peasemore Parish Council and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action; and
- iv. the employee's right of appeal.

A first Written Warning will normally remain in force for 6 months.

The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

### **5.3 STAGE 1 - FIRST WRITTEN WARNING FOR UNSATISFACTORY PERFORMANCE**

In the case of a problem of continued underperformance then the employee will be given a first written warning of the need to improve performance. A first written warning will be issued by the Chairman of Peasemore Parish Council and will set out:

1. The precise nature of the problem of performance and the improvement required and the timescale for improvement, together with review dates
2. The likely consequences of failure by the employee to improve their performance to an acceptable standard
3. That failure to improve will result in more serious disciplinary action
4. The employee's right of appeal

A first written warning of need to improve performance will normally remain in force for 6 months

### **5.4 STAGE 2 - FINAL WRITTEN WARNING**

If performance does not improve, or if further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning following the disciplinary hearing. A Final Written Warning will be issued by the Chairman of Liss Parish Council and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or a failure by the employee to improve his/her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action up to and including dismissal; and
- iv. the employee's right of appeal.

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Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A Final Written Warning will normally remain in force for 12 months.

## **5.5 STAGE 3 - DISMISSAL WITH NOTICE**

If there is insufficient improvement after the period notified in stage 2 the employee will be dismissed with the appropriate notice following the disciplinary hearing.

A letter will be sent to the employee detailing the reasons for the dismissal, the date on which their employment will terminate and the arrangements for the notice period. The letter will detail the employee's right of appeal.

## **6 GROSS MISCONDUCT (DISMISSAL WITHOUT NOTICE)**

If the Council finds the employee to be guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice following the investigation and the disciplinary hearing.

A letter will be sent to the employee by the Chairman of the Council following the dismissal detailing the reasons for the dismissal and the date on which the employment terminated. The letter will inform the employee of their right to appeal.

This document does not form part of the contract of employment.

## **Grievance Policy and Procedure**

### **1. Policy**

It is the Council's policy to encourage employees with grievances relating to their employment to use the procedure below to seek satisfactory solutions. The Council will try to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible, every effort will be made to explain the reasons for the decision.

If employees are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. It is hoped that most grievances will be resolved during the informal discussion. Employees who have raised grievances will be treated fairly at all times before, during and after the grievance hearing(s).

Certain kinds of grievance cannot be dealt with under this procedure either because it is inappropriate or because there are already established agreements for the settlement of disputes in relation to them. Examples of these are: -

- Matters not relating to employment or matters over which the Council has no control
- Disciplinary matters
- Queries relating to statutory deductions from pay or rates of pay collectively agreed at the national or local level
- Matters relating to the pension scheme(s)

### **3. Relates policies and procedures**

This policy is to be read in conjunction with the Council's policies contained in this document.

### **4. Procedure**

#### **4.1 Informal stage**

If you have a grievance about your employment you should discuss it informally with the Chairman. The Chairman will give a response within five working days. (See Notes 1–3 below for exceptions to this procedure.)

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## **4.2 Stage 1**

If you feel that the matter has not been resolved satisfactorily through informal discussions, you must put your grievance in writing to the Chairman of the Council. The Chairman shall report your written grievance to a Grievance Panel meeting, held in the absence of the public and the press. You will receive a reply within five working days follow this, and a meeting will be arranged. You must take all reasonable steps to attend the meeting. You, any relevant witnesses and members of the Grievance Panel will attend the meeting. You may choose to be accompanied by a colleague, lay or trade union official. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated or to give the members of the Grievance Panel time to consider the decision. The members of the Grievance Panel will give a response in writing within five working days of the meeting and will inform you of the appeals procedure.

## **4.3 Stage 2**

If you are not satisfied with the members of the Grievance Panel's response, you may raise the matter, in writing, with the Council's Appeal Panel within five working days. A meeting will be arranged, constituted as in Stage 1, except that members of the Appeal Panel will replace members of the Grievance Panel. The members of the Appeal Panel will give a response within five working days of the meeting. The Appeal Panel's decision is final.

## **4.4 Investigations**

The Council is committed to ensuring that all grievances are investigated fully. This may involve carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The investigation report will be made available to all the parties concerned. The identity of witnesses will be kept confidential where necessary.

## **5. Notes**

The grievance procedure should not be used for appeals against disciplinary decisions, as that is the purpose of the disciplinary appeals procedure. If, however, you have a complaint against the behaviour of a manager during the course of a disciplinary case, you may raise it as a grievance with a senior manager. The disciplinary procedure may be suspended for a short period if necessary until the grievance can be considered.

1. Employees are encouraged to raise grievances and will not suffer any detriment from doing so.
2. The timescales listed above will be adhered to wherever possible. Where there are good reasons, e.g. the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
3. The Council reserves the right to seek assistance from external facilitators at any stage in the grievance procedure.
4. For employees during their first year of employment, the Council reserves the right to speed up the decision making process and may choose to follow a shortened version of the above procedure.
5. A copy of the written grievance and written decisions made will be placed on the employee's/ex-employee's personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

## **6. Abuse of this policy**

Any abuse in the application of this policy e.g. if an employees grievance is found to be malicious or to have been made in bad faith will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

## **7. Alterations and amendments to this policy**

This policy and procedure does not form part of employees' contractual rights. The Council reserves the right to revise the contents of this policy and procedure from time to time or withdraw it at its absolute discretion, in accordance with the needs of the council.

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## Health and Safety Policy

### GENERAL STATEMENT

1. Peasemore Parish Council recognises its responsibilities as an employer for providing a safe and healthy environment for all its employees, contractors, voluntary helpers and others who may be affected by the activities of the Council.
2. The Council will make every effort to meet its responsibilities under the Health and Safety at Work Act 1974.
3. If appropriate, the Council will seek expert technical advice on Health and Safety matters

### AIMS OF THE HEALTH AND SAFETY AT WORK POLICY

#### *To provide as far as is reasonably practicable:*

1. A safe place of work and a safe working environment.
2. Sufficient information, instruction and training for employees, contractors and voluntary helpers to carry out their work safely.
3. Care and attention to health, safety and welfare of employees, contractors, voluntary helpers and members of the public who may be affected by the Council's activities.

### ARRANGEMENTS AND RESPONSIBILITIES FOR CARRYING OUT HEALTH AND SAFETY POLICY AT WORK

#### *As the Council's Health and Safety Officer, the Clerk will:*

1. Keep informed of relevant Health and Safety Policy legislation and inform the Council accordingly.
2. Make effective arrangements to implement the Health and Safety at Work Policy.
3. Ensure that matters of Health and Safety are recorded and reported to Council or the relevant Committee.
4. Ensure that regular risk assessments are carried out of working practices and assets and maintain record of risk assessments.
5. Make effective arrangements to ensure that contractors or voluntary helpers working for the council comply with all reasonable Health and Safety at Work requirements. All contractors will be given a copy of the Council's Health and Safety at Work Policy under cover of the attached letter.
6. Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.
7. Maintain a central record of notified accidents.
8. When an accident or hazardous incident occurs take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.

## Planning Application Responses

### Process for Planning Application Notifications:

It is acknowledged that the notification of planning applications often falls outside of the Parish Council meeting schedule. Where a response deadline is within a week of a Parish Council meeting the Clerk will endeavour to seek an extension to the deadline from the planning officer so the application can be added to the agenda and a response agreed at the general meeting.

Where a notification falls outside of the meeting calendar the Clerk will send out an email to all Councillors providing details of the application, a link to the application documents and a deadline for responses. Where the application is considered to be non-controversial Councillors will discuss a response to the Planning Officer over email, details of the response will then be published on the agenda and in the minutes of the next meeting, stating the response publicly for the record. The Clerk will file all responses for future reference, if required. Where Councillors have deferring opinions, the Clerk will draft a response based on all

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views and circulate again before submission. Where a majority response has not been received 4 days before the deadline the Clerk will circulate a reminder email. At this stage no response from a Councillor will be taken as No Objections.

Where a planning application is considered to be controversial, either a Councillor can raise a concern and request an extra ordinary meeting, or the Clerk can raise a concern and propose an extra ordinary meeting for the Councillors to agree, to enable the application to be discussed publicly. Applicants / agents / developers are welcome to attend the PC meeting to present the proposal and should contact the Clerk for meeting details.

Parishioners are welcome to copy their own responses to the Parish Council on submission the Planning Officer. The Clerk will forward these to the Councillors promptly.

The Parish Council welcomes the opportunity for pre-application planning discussions with applicants/developers or agents on more significant proposals or large schemes. These are seen as beneficial for all parties. The request must be made in writing to the Clerk, and it should be understood that the Parish Council will not treat any request as confidential. Pre-applicant submissions will generally be reviewed at the next scheduled Parish Council meeting.

## **The Parish Council Response:**

It should be noted that the Parish Council response to a planning application is only a recommendation, the decision on any application lies with the District Council. The Parish Council is also only one voice in the consultation process and parishioners are strongly encouraged to submit any comments they have on an application direct to the Planning Officer. If they shall choose these can be copied to the Parish Council.

## **Training Policy**

### **Statement of Intent**

Peasemore Parish Council is committed to ensuring its staff and Councillors are trained to the highest standard and kept up to date with all new legislation. To support this, funds are allocated to a training budget each year to enable staff to be given the training necessary for their role and Councillors to attend training and conferences relevant to their office.

Training requirements for councillors will usually be identified by the Chairman and Clerk and opportunities to attend courses will be investigated by the Clerk and brought to the attention of the full council.

The Council will pay the annual subscription to the Berkshire Association of Local Councils (BALC) to enable staff and councillors to take advantage of their training courses and conferences.

### **Councillor Training**

It is recognised that it may be difficult for some councillors to attend training during the daytime because of their work commitments. Councillors will, however, still be encouraged to attend training provided by its partner authorities and BALC and attend conferences whenever possible.

All training presentation papers will be retained and used for in-house training and information sharing.

New Councillors should receive the following information:

1. Peasemore Parish Council Policy & Procedures Document, including standing orders and financial regulations.
2. Timetable of meetings for the coming year
3. The Good Councillors Guide from BALC
4. Minutes of the last 2 meetings
5. Copy of the last Annual Audit document



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## Openness of Local Government Bodies Regulations 2014

The following notice will be displayed at all Parish Council meetings:

### RECORDING AND REPORTING OF PROCEEDINGS BY THE MEDIA AND GENERAL PUBLIC

- Audio and visual recordings of a meeting of the Council, Committees and other Council bodies by the general public, or the media, is permitted. It would be helpful if those wishing to record could contact the Council before the meeting so that we can ensure the necessary facilities are in place.
- The Chair of the meeting will advise the public that the meeting is being recorded.
- A request to record a meeting shall only be refused if the Chair of the meeting believes recording would disrupt the meeting.
- Notices will be displayed in the room advising the public that meetings can be recorded legally.
- The Council may record meetings for minuting purposes only. The relevant Chair will make an announcement to this effect.

### Limitations

Although there is a statutory right to photograph and record Council meetings the proceedings of that meeting must not be disrupted by the use of media tools and must not inhibit community involvement in the proceedings.

### Audio and Visual Recording

#### Your Obligations

Any member of the public, or of the media, wishing to photograph or record a meeting is asked to comply with the following:

- a) any photography or audio / visual recording takes place from a fixed position in the meeting room approved by the Chair so as to reduce disruption to the proceedings;
- b) use of flash photography or additional lighting is for a limited period only during the meeting at a point in the proceedings agreed in advance with the Chair;
- c) if the Chair feels that any photography, audio or visual recording is disrupting the meeting in any way, or any pre-meeting agreement has been breached, then the operator of the equipment will stop;
- d) if, during the meeting, a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
- e) if a meeting is adjourned by the Chair then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
- f) any request made by the Chair regarding respecting the public's right to privacy is complied with;
- g) people seated in the public seating area should not be photographed, filmed or recorded without the consent of the individuals concerned.
- h) use must not be made of an image or recording if consent is refused by a member of the public featured in that recording or image;
- i) photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

#### Your Rights

If, as a member of the public, you do not wish to be photographed, filmed or recorded please inform the Clerk in attendance at the meeting or the Chair of the meeting when notice is given that a request to photograph / record has been received.

**This Policy & Procedures Document was Reviewed & Adopted by  
Peasemore Parish Council July 2021**