



**MEMBERS OF ODIHAM PARISH COUNCIL STAFFING COMMITTEE  
ARE SUMMONED TO ATTEND THE STAFFING COMMITTEE MEETING WHICH WILL  
BE HELD IN THE LIBRARY ROOM, THE BRIDEWELL, THE BURY, ODIHAM, RG29 1NB  
ON 10<sup>th</sup> NOVEMBER 2021 COMMENCING AT 10.30am**

5<sup>th</sup> November 2021

*Andrea Mann, Parish Clerk*

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- SC09/21 To receive apologies for absence**
- SC10/21 To receive declarations of interests and requests for dispensation relating to any item on the agenda.**
- SC11/21 Chairs Announcements**
- SC12/21 Approval of Minutes**  
To APPROVE the minutes of the extraordinary Staffing Committee meeting held on 28<sup>th</sup> July 2021 (SC01-08/21).
- SC13/21 Staffing Committee Annual Schedule (page 3)**  
To review the Staffing Committee Annual Schedule updated at the previous meeting, note completed actions and matters for discussion at the meeting.
- SC14/21 Staff Handbook (pages 4-34)**  
To review the draft Staff Handbook, review revisions and agree to refer it to full Council for adoption.
- SC15/21 Date of the next meeting**  
To be agreed.
- SC16/21 To pass a resolution in accordance with the Public Bodies (Admission to Meetings) Act 1960 to exclude the public and press to consider confidential staff related matters which meet the criteria of Schedule 12A of the Local Government Act 1972 Part 1.**
- SC17/21 Amenity Officer Recruitment**  
Verbal update from the Clerk and to agree any next steps.
- SC18/21 End of Deputy Clerk's Probationary Period**  
Verbal update from the Clerk and to consider to resolve permanent position.
- SC19/21 2022/23 Staffing Budget (page 35)**  
To review the 2021/22 budget position and agree the 2022/23 budget requirement for consideration as part of the budget setting process.



**SC20/21**

**Parish Clerk's Appraisal**

To receive a report from Cllrs McFarlane and Verdon from the Parish Clerk's appraisal.





# **STAFF HANDBOOK**

**Adopted on ?????**

## **Introduction**

Odiham Parish Council (OPC) takes its role as an employer seriously and understands the importance of setting out clear policies and guidelines which apply to all staff. This Staff Handbook will be issued to staff when commencing employment, in addition to a personal "Statement of Particulars" (contract) and is intended to provide a useful reference document on policies and procedures which apply to all staff.

This Staff Handbook was prepared by the Staffing Committee and adopted by OPC on ???

## **Statement of Particulars (Contract)**

All permanent appointments will be issued with a Statement of Particulars within one month of starting employment. This will, as a minimum, include:

1. Period of employment
2. Job title
3. Normal place of work
4. Reporting arrangements
5. Remuneration
6. Pay reviews
7. Hours of works
8. Termination of employment
9. Annual leave (with pay)
10. Sickness absence and sick pay
11. Pensions (where applicable)
12. Collective agreements
13. Health & safety
14. Disciplinary and dismissal procedure
15. Grievance procedure
16. Changes of terms of employment
17. Inventions and intellectual property
18. Compute equipment
19. Data protection
20. Deductions from salary
21. Declaration of entitlement to work in UK

## **Health & Safety**

The health and wellbeing of staff and volunteers is considered as the highest priority by the Council and this commitment is evidenced by [the Health & Safety Policy Statement](#) which is regularly reviewed and published online.

All staff and volunteers must take responsibility for their own health and safety and not place themselves in any dangerous situations or take any action which may cause injury or harm. There is a full Health & Safety Policy included in this handbook and it is essential all staff familiarise themselves with this and acknowledge in writing they have read and understood it.

## **Emergency Procedures**

Emergency procedures in the office will be explained to you as close as possible to the first day of your employment.

The Health & Safety Policy and individual Statement of Particulars both include information on what to do if an emergency situation arises. But we cannot guarantee they include details of every emergency situation. All staff and volunteers are expected to respond to further instruction and respond reasonably should an unforeseen emergency situation arise. This may include a verbal instruction.

## **General**

As a Parish Council, the Council must act in accordance with certain legislation, guidance and Council rules (policies). Whilst we do not expect every role to have an in depth knowledge, the following rules determine the way in which the Council operates and every member of staff should be aware they exist and refer to them before taking action:

[Standing Orders](#)

[Financial Regulations](#)

*Insert Internal Controls*

## **Safeguarding**

Please refer to [Safeguarding Policy](#)

## **Training and Development**

Please refer to [Training and Development Policy](#)

## **Privacy and General Data Protection Policy**

[Data Protection Policy](#)

[Social Media and Electronic Communications Policy](#)

[Privacy Notice](#)

[Subject Access Request Policy](#)

All new staff are required to complete a [consent form](#) to confirm their consent to hold and process personal data in connection with their employment.

## **If things go wrong**

Odiham Parish Council will do everything possible to avoid disputes and respond to issues raised in a reasonable and timely manner. Should you feel your line manager or Council has not listened to your immediate concerns, you should follow the process set out in the Disciplinary and Grievance Procedure (attached).



**Odiham**  
Parish Council

## **HEALTH AND SAFETY POLICY**

**Adopted February 2021**

**POLICY STATEMENT:**

This is the Health and Safety Policy Statement of Odiham Parish Council:

Odiham Parish Council recognises and accepts its responsibility for providing a safe and healthy environment for its members; staff; volunteers; visitors; and for anyone affected by its activities. For the purpose of this Policy, Councillors are defined as volunteers unless otherwise stated.

The Council maintains this policy for the management of health and safety as its top priority and will do all that is reasonably practicable to ensure effective organisation and planning are established and maintained. The Council will also ensure that appropriate and effective audit and review mechanisms are used to inform the work of the Council, which undertakes to commit appropriate resources to manage health and safety.

Our statement of general policy, below, is based upon that required by virtue of the Health and Safety at Work etc. Act 1974. The principles of the Act and its underpinning Regulations as later published are taken by the Council as a minimum requirement for the safe and effective management of the Council and its activities.

Our statement of general policy is:

- To provide adequate control of the health and safety risks arising from our activities;
- To consult with our staff on matters affecting their health and safety;
- To provide and maintain safe equipment;
- To provide sufficient information, instruction, and supervision of staff, volunteers and visitors as far as is reasonably practical;
- To ensure all staff and volunteers are competent in their Council-related activities, and to provide adequate training as far as is reasonably practical;
- To prevent accidents and activity-related ill health as far as is reasonably practical;
- To maintain safe and healthy conditions for conducting the Council’s business and the public facilities it provides; and
- To review and revise this Policy as necessary at regular intervals, but at least annually.

Approved by the Council on:

Signed: ..... Chairman  
 .... Responsible Officer

## 1. Responsibilities

1.1 The full Council has overall responsibility for Health and Safety. The Council:

- Provides a lead in developing a positive health & safety culture through its decisions, policies and individual behaviour.
- Ensure adequate resources are available to implement adequate health & safety systems.

1.2 The Parish Clerk will fulfil the role of 'Competent Person' responsible for the implementation of the policy. The Parish Clerk shall:

- Keep informed of relevant Health and Safety policy legislation and inform the Council accordingly.
- Advise the Council on the resources and arrangements necessary to fulfil the Council's responsibilities under the Health and Safety at Work legislation.
- Make effective arrangements to implement this Policy.
- Ensure that matters of Health and Safety are regularly discussed at OPC meetings.
- Ensure that regular risk assessments are carried out of working practices, with subsequent consideration and review of any necessary corrective/protective measures.
- For major works, request method statements from contractors prior to the works starting and retain these in a file.
- Maintain a file of risk assessments for all staff and voluntary activities.
- Ensure all staff and volunteers are given access to this policy before starting any task or activity or as soon as practical upon joining the Council.
- Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.
- Maintain a central record of notified accidents.
- 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.
- Act as the contact and liaison point for the Health and Safety Inspectorate.

1.3 All employees and voluntary helpers will:

- Co-operate fully with this Policy.
- Take reasonable care for their own health and safety, to use appropriate personal protective clothing and, where appropriate, ensure that appropriate first aid materials are available.
- Take reasonable care for the health and safety of other people who may be affected by their activities.
- Not operate any item or equipment or machinery unless they have been trained or authorised.

- Not misuse any plant, equipment tools or materials so as to cause risks to health and safety or carry out any repairs.
- Not undertake any unauthorised activity or task without prior consent and training.
- Wear appropriate PPE which has been provided to them.
- Report any accidents or hazardous incidents to the Parish Clerk.
- Report to management any medical condition or medication which could affect the safety of themselves or others.
- Co-operate with the management on the implementation of the medical or occupational health providers (employees only).

1.4 When it is necessary to employ, engage or facilitate outside contractors, the Contractor shall:

- Provide a method statement, risk assessments and evidence of Public Liability Insurance not less than £10M.
- Consider all potential hazards imposed upon OPC employees, volunteers or members of the public.
- Ensure all control methods are in place to minimise all risks to OPC employees, volunteers, members of the public and their own staff.
- Ensure their own staff are trained and competent in undertaking the work they have been instructed to carry out.
- Manage the provision of PPE for their workers.
- If necessary, agree to arrange for a building or facility to be closed throughout the works or schedule their works at a time when less footfall is expected.

## 2. Arrangements

### 2.1 Risk assessments

- The Parish Clerk will complete a risk assessment for every building, facility and equipment owned by OPC.
- The Parish Clerk will complete risk assessments for all employee activities. In some instances a verbal discussion and agreement on the potential risks and control methods will suffice.
- Risk assessments will be completed for all events and activities by the lead organiser who will act as the H&S Responsible Person at the event.
- Every member of staff and volunteer has a duty to risk assess their own actions before undertaking a new or different task.
- Risk assessments shall be reviewed regularly or following a significant change in circumstances or legislation.

### 2.2 First aid kit

- A First Aid kit is located in the Parish Office.
- Use of an item from any first aid kit must be notified to the Parish Clerk who will then arrange suitable replenishment.
- It is the duty of the Parish Clerk to ensure that the contents of the office first aid kit is always at least at the prescribed stock level and in date.

## 2.3 Fire safety

- Fire extinguishers and smoke alarms are sited at the specified locations in the Bridewell and are maintained by HCC.
- Fire extinguishers in the parish room and south chapel are maintained annually by Walker Fire.

## 2.4 Personal Protective Equipment (PPE)

- PPE will be provided to all employees and volunteers who are involved in activities where there is a potential risk of injury or exposure to the elements.

## 3. Accident and injury at work procedures

3.1 Although every effort will be made to ensure a safe environment, it is accepted that accidents can occur. Accidents and incidents occurring in the OPC offices and/or OPC premises shall be reported immediately to the Parish Clerk or senior employee on duty at the time of the accident.

3.2 If any of the following occur they must be reported to the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) procedures (see <https://www.hse.gov.uk/riddor/index.htm>):

- Fatal accidents.
- A specified injury to an employee as detailed in regulation 4.
- An injury to a non-employee where that person is taken to hospital immediately following the injury.
- Any employee diagnosed as suffering from a disease specified in the Regulations.
- Any employee diagnosed with a cancer caused by work related exposure to a known carcinogen or mutagen.
- Accidents resulting in a period of absence of more than 7 days.
- Injuries to the public where they have to be taken to hospital.
- Some dangerous occurrences.

3.3 All accidents resulting in injury and near misses will be investigated to identify any unsafe acts, equipment or working practices to determine whether changes need to be made to equipment, training or systems of work to reduce, as far as possible, the likelihood of the same occurring in the future.

3.4 All accidents resulting in injury and near misses will be reported to the Council in accordance with OPC's Data Protection Policy.

#### **4. Communication to employees and volunteers:**

- The H&S Policy Statement will be published on OPC's website.
- The H&S Law Poster will be displayed on internal noticeboards at The Bridwell.
- A copy of this Policy will be provided to all staff and volunteers carrying out a task or function on behalf of the Council.
- New employees and volunteers will be required to sign to confirm they have read this Policy.
- H&S will be a regular item for discussion in Staff Meetings and meetings of the Staffing Committee.
- Formal H&S training will be offered to staff where this is considered appropriate.
- Any new activity or project involving volunteers will involve a dedicated H&S briefing or training session.

#### **5. Hazards and risks**

##### **5.1 Fire**

Evacuation procedures in the event of outbreak of smoke and/or fire:

- Visitors and other persons in the building should immediately proceed and assemble in an orderly manner to the Mayhill Junior School playground, which is the fire assembly point.
- The Parish Clerk or senior employee should arrange for a register to be called.
- The Parish Clerk or senior employee should ensure the emergency services are summoned.
- Employees and visitors shall not remove a fire appliance from its designated place unless it is to be used in an attempt to extinguish a fire.
- Any use of a fire extinguisher should be reported to the Parish Clerk.

##### **5.2 Display Screen Equipment**

OPC complies with the H&S (Display Screen Equipment) Regulations 1992 by:

Staff:

- All staff who regularly use DSE as part of their work must complete a DSE risk assessment for their work station to assess and reduce risks of ill health. This should be completed as soon as possible after starting work or following a change in equipment. This should be a home work station where a member of staff has been sanctioned to work from home.
- The risk assessment(s) will be discussed with the Parish Clerk to agree and implement control methods which will minimise risk.

- OPC will offer free eye tests to employees, in accordance with the Regulations, for employees who spend a significant amount of their working day using a display screen.

#### Volunteers:

- All volunteers who regularly use DSE as part of their work or voluntary activities on Council owned or managed premises must complete a DSE risk assessment for their work station to assess and reduce risks of ill health. This should be completed as soon as possible after starting the voluntary activity or following a change in equipment.
- The risk assessment(s) will be discussed with the person in charge of the voluntary activity to agree and implement control methods which will minimise risk.
- All volunteers who regularly use DSE at home as part of their voluntary activity are encouraged to complete a risk assessment for their home work station. Volunteers should discuss concerns with the person in charge of the voluntary activity for advice on how control methods may help to minimise risk.
- All risk assessments should be reviewed regularly and following any change in circumstances.
- Employees and volunteers should read further details on the DSE Regulations at: <https://www.hse.gov.uk/pubns/ck1.htm>

### 5.3 Manual Handling

The incorrect handling of loads causes high numbers of injuries each year and can result in pain, time off work and sometimes permanent disability.

- All employees and regular volunteers will be required to undertake manual handling training.
- Manual handling should be avoided wherever possible but, where operations cannot be avoided, these general principles should be followed:
  - o Assess the load and the task
  - o Plan the route
  - o Position feet
  - o Get a good grip
  - o Keep the load close to the body
  - o Maintain good posture throughout the procedure
  - o Use the leg muscles
  - o Use body momentum
- Where it is possible to move a load without lifting the load should be pushed and not pulled.

## 5.4 Driving for Work

- All employees required to drive as part of their working day, either as part of their normal duties or when driving to and from a meeting or training event etc shall provide a copy of their driving licence to the Parish Clerk.
- No member of staff or volunteer disqualified from driving will be permitted to drive for work related activities whatsoever or permitted to drive any Council owned vehicle.
- Employees and volunteers driving their own vehicles for work related activities should ensure they hold the relevant insurance cover and provide a copy to the Council.
- Employees and volunteers are responsible for ensuring their own vehicles are road worthy with a valid MOT certificate where required and should not volunteer to drive for work related activities if they are aware of any issues.
- Employees and volunteers should not drive for work related activities if they are tired, feeling unwell or under the influence of drugs, alcohol or prescribed medication which affects their ability to drive.
- Any employee or volunteer driving to work related appointments should prioritise safety over time and never rush to make an appointment on time.

## 5.5 Working at Height

Falls from height are one of the biggest causes of workplace fatalities and major injuries. Common causes are falls from ladders and through fragile roofs. Generally, Council employees and volunteers have limited need to work from heights themselves and as such should avoid working at height where it is reasonably practical to do so.

OPC acknowledges the following tasks require staff or volunteers to work from height:

- Displaying flags on the High Street.
- Arranging books.
- Setting up/clearing away from events.
- Managing the Speed Indicator Device (SID).

Where work at height cannot be avoided:

- Use the correct equipment – for use in The Bridewell a kick step should be sufficient.
- Ensure the equipment is suitable, stable and strong enough for the job.
- Don't overload or overreach.
- Take precautions when working near fragile surfaces.
- Provide protection from falling objects.
- Consider space to fall should be by clearing space around the ladder or kick step.

- When a ladder is required, always ensure a second person is present to hold the ladder stable.

## 5.6 Lone Working

There may be occasions when employees are lone working, either in the parish office or on site. In this situation to ensure employees are as safe as possible all members of staff must ensure they:

- Have access to a working phone; for off-site workers this shall be a mobile phone.
- Outside of the public opening hours for the office, ensure that the Bridewell door is locked.
- The front and rear parish office doors should remain locked at all times.
- All windows are shut and window security locks are in place.
- Inform a second person where they are working and how long they expect to be lone working.
- When working in The Bridewell, always ensure the sign at the front door indicates when someone is in the building.

## 5.7 Smoking

- OPC complies with the legislation that became law in July 2007 therefore smoking is not permitted in any part of OPC owned or managed buildings.

## 5.8 Drugs and Alcohol

- No non-prescription drugs are permitted in any Council owned or managed buildings at any time.
- No alcohol should be consumed on the premises unless by prior agreement for pre-arranged functions or events.
- Anyone found to be under the influence of drugs or alcohol may be subject to gross misconduct charges or asked to step down from voluntary activities.

## 5.9 Premises

- The office should be kept clean and tidy.
- The office temperature should be at least 16C in accordance with HSE guidance. There is no H&S guidance on the maximum temperature but staff and volunteers should raise any concerns with line management.
- Office windows should have blinds or other shading systems in good working order.
- Outside access to the building must be safe and properly maintained.
- Stairs and corridors must be unobstructed.
- All cables, leads and wires should be properly secured so that they do not constitute a trip hazard.
- All filing cabinets, shelves and cupboards should be stable and secure and kept closed when not in use.

- Any spillage must be mopped up and the floor dried.

#### 5.10 Dangerous substances

- Under the Control of Substances Hazardous to Health (COSHH) Regulations 2002 (as amended), OPC must conduct a suitable and sufficient assessment of the risks to health from exposure to any hazardous substance.
- COSHH sheets will be sourced wherever possible and used to assess potential harm and substances will only be used where necessary.
- This list is not exhaustive, but substances used by OPC may include: Tippex, photocopier toner, WD40, de-icer, glass cleaning fluids and cleaning solvent.
- All lids/tops must be properly secured after a substance has been used and should be stored safely and clearly labelled in a secure place.
- Photocopier toner can cause eye and skin irritation. The photocopier toner cartridge should be changed in accordance with the manufacturer's instructions; in addition, vinyl or rubber gloves should be worn during this operation.

#### 5.11 Electrical Equipment

- No employee or volunteer should use any electrical appliance which they have not been authorised to use.
- No employee or volunteer should carry out any repair to any electrical appliance on Council owned property.
- Lighting sockets must not be left empty: a suitable bulb or fluorescent tube must be in place.
- Any faulty equipment, wiring, plugs or bulbs must be reported to the Parish Clerk.
- All electrical equipment will be PAT tested annually.

#### 5.12 New and expectant mothers

- Expectant mothers should make their employer aware they are pregnant as soon as practical in order for any required adjustments to be made.
- Each workstation will be assessed and OPC will strive to make all reasonable adjustments to work stations or working practices which may cause harm to them or their unborn child.
- A new or expectant mother should not lift heavy loads, stand for long periods of time or do anything they consider will be a risk to them or their unborn child.
- OPC will consider temporarily adjusting working conditions or offer suitable alternative work if this is deemed necessary.

### 5.13 Disabilities

- OPC will make all reasonable adjustments for disabled workers and volunteers.
- Employees and volunteers must make OPC aware they have a disability in order for OPC to make these adjustments and may call on third party professional advice if required.

### 5.14 Working Time Regulations

All employees and volunteers will adhere to the Working Time Regulations which limits the working time to less than 48 hours per week, requires set rest hours, holiday entitlement, rest periods, 11 hours between shifts in any 24 hour periods and rest break if working over 6 hours.

The full legislation can be viewed at

<https://www.legislation.gov.uk/ukxi/1998/1833/contents/made>

### 5.15 Home Working

This policy applies to employees who are equipped and authorised to work from home. Anyone requiring advice or support to help meet best H&S standards at home should speak to the Parish Clerk or their appointed Councillor support or committee.

### 5.16 Stress

OPC acknowledges its legal duty to protect employees from stress at work. The HSE defines stress as “the adverse reaction people have to excessive pressures or other types of demand placed on them”.

There are six main areas of work design which effect stress levels:

- Demands
- Control
- Support
- Relationships
- Role
- Change

Stress affects people differently and signs of stress will display differently in different people, a person suffering with stress may not even be aware themselves.

Any employee suffering from stress should speak to the Parish Clerk to discuss what reasonable control methods can be put in place.

Failure to resolve stress in the workplace through reasonable control methods may be referred to the Staffing Committee in confidence.

Further detail is available at: <https://www.hse.gov.uk/stress/what-to-do.htm>

## **6 Monitoring and evaluation**

- 6.1 It will be necessary for OPC to determine, from time to time, whether or not health and safety responsibilities are being discharged properly. Monitoring may take place through a number of mechanisms, including spot checks on employee behaviour, a full safety inspection and reports to the full Council by the Parish Clerk.
- 6.2 Reports of all accidents, near-misses and sickness linked to work shall be monitored on a regular basis. Recommendations may follow on the need for greater safeguards, more training or the need to change an employee's work practices.
- 6.3 Employees shall be consulted on any proposed changes to this policy.

## **7 Review**

The full Council shall review this policy at least once every three years from the date of adoption or following a change in legislation or circumstances.



**Odiham**  
Parish Council

# **DISCIPLINARY AND GRIEVANCE POLICY**

**Reviewed and adopted on 16<sup>th</sup> June 2020**

## **ODIHAM PARISH COUNCIL'S DISCIPLINARY 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](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)

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

2. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
3. This policy confirms:
  - 3.1. informal coaching and supervision will be considered, where appropriate, to improve conduct and/or attendance
  - 3.2. the Council will fully investigate the facts of each case
  - 3.3. the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
  - 3.4. employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - 3.5. employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
  - 3.6. employees may be accompanied or represented by a companion - a workplace colleague, a trade union representative or a trade union official
  - 3.7. at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
  - 3.8. the Council will give employees reasonable notice of any meetings in this procedure. The employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
  - 3.9. if the employee's companion is not available for the proposed date of the meeting, the

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

### **Examples of misconduct**

4. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list, which is not exhaustive, contains some examples of misconduct:
  - unauthorised absence
  - poor timekeeping

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

### **Examples of gross misconduct**

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

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information
- wilfully carrying out actions capable of bringing the Councils (or its clients) into disrepute, e.g. by making public comments of a detrimental nature about the Council (or its clients) on external websites or chat rooms

### **Suspension**

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

## **Examples of unsatisfactory work performance**

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

## **The Procedure**

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

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

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

## **Disciplinary investigation**

12. A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
13. If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
  - 13.1. the allegations or events that the investigation is required to examine
  - 13.2. whether a recommendation is required
  - 13.3. how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report

- 13.4. who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
14. The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
15. The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking any investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
16. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
17. If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
18. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
19. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
  - 19.1. the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
  - 19.2. the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  - 19.3. the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
20. The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
21. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **The disciplinary meeting**

22. If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors who do not need to be on the staffing committee, to formally hear the allegations. The staffing sub-committee will appoint a Chair from one of its members. The Investigator shall not sit on the sub-committee. The decision on the make-up of the sub-committee is the Staffing Committee's alone.
23. No councillor with direct involvement in the matter shall be appointed to the sub-committee. If there is an insufficient number of Councillors who have not previously been involved an independent person outside of the Council will be asked to be on the panel. In this case, the decision on the make-up of the sub-committee is the Council's alone.
24. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
  - 24.1. the names of its Chair and other two members
  - 24.2. details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
  - 24.3. a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
  - 24.4. the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
  - 24.5. that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
  - 24.6. that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official
25. The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:
  - 25.1. the Chair will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
  - 25.2. the Chair will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
  - 25.3. the Chair will invite the employee to present their account
  - 25.4. the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
  - 25.5. any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
  - 25.6. the employee (or companion) will have the opportunity to sum up

26. The Chair will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chair will also notify the employee of the right to appeal the decision.
27. The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

### **Disciplinary action**

28. If the sub-committee decides that there should be disciplinary action, it may be any of the following:
  - 28.1. First written warning. If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:
    - 28.1.1. the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
    - 28.1.2. that further misconduct/failure to improve will result in more serious disciplinary action
    - 28.1.3. the employee's right of appeal
    - 28.1.4. that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).
  - 28.2. Final written warning. If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:
    - 28.2.1. the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
    - 28.2.2. that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
    - 28.2.3. the employee's right of appeal
    - 28.2.4. that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).
  - 28.3. Dismissal. The Council may dismiss:
    - 28.3.1. for gross misconduct
    - 28.3.2. if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
    - 28.3.3. if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.
29. The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which

the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

### **The appeal**

30. An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
31. The grounds for appeal include;
  - 31.1. a failure by the Council to follow its disciplinary policy
  - 31.2. the sub-committee's disciplinary decision was not supported by the evidence
  - 31.3. the disciplinary action was too severe in the circumstances of the case
  - 31.4. new evidence has come to light since the disciplinary meeting.
32. Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case, which excludes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staffing committee. If there is an insufficient number of Councillors who have not previously been involved, independent persons outside of the Council will be asked to be on the panel. The decision on the make up of the appeal panel is the Council's alone.
33. The appeal panel will appoint a Chair from one of its members.
34. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
35. At the appeal meeting, the Chair will:
  - 35.1. introduce the panel members to the employee
  - 35.2. explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
  - 35.3. explain the action that the appeal panel may take.
36. The employee (or companion) will be asked to explain the grounds for appeal.
37. The Chair will inform the employee that he/she will receive the decision and the panel's

reasons, in writing, usually within five working days of the appeal hearing.

38. The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
39. If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
40. The appeal panel's decision is final.

## ODIHAM PARISH COUNCIL'S 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](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:
  - 3.1. 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.
  - 3.2. 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 there are reasonable grounds for proposing a later date.
  - 3.3. any changes to specified time limits must be agreed by the employee and the Council. Every endeavour will be made to comply with the time limits set out in the procedure but it is recognised that reasonable variations on the time limits may be needed on a case by case basis.
  - 3.4. an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
  - 3.5. 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)

- 3.6. 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
  - 3.7. 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
  - 3.8. if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
  - 3.9. 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
  - 3.10. Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor.
4. Employees can use the informal stage of the council's grievance procedure (paragraph 5) to deal with all grievance issues, including a complaint about a councillor.
- 4.1. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor.
  - 4.2. If the complaint about the councillor is not resolved at the informal stage, the employee or the council can refer the matter to the monitoring officer at Hart District Council who will decide whether or not the complaint can be dealt with under the code of conduct.
  - 4.3. 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)
  - 4.4. 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
  - 4.5. 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) and in accordance with the code of conduct regime

### **Informal grievance procedure**

5. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chair of the 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**

6. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chair of the staffing committee or another member of the Staffing Committee if the grievance involves the Chair.
7. The staffing committee will appoint a sub-committee of three members to hear the grievance. These will normally be Councillors and may include Councillors who are not on the staffing committee. The sub-committee will appoint a Chair from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee. In this case the decision on the make up of the grievance panel is the staffing committee's alone.
8. Where there are insufficient Parish Councillors who are unaffected by the grievance claim to form both a grievance and an appeal panel, independent external members may be sought eg from other councils. In this case the decision on the make-up of the panel is the Council's alone.
9. 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. with the employee submitting the grievance, other employees, councillors or members of the public). The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
  - 9.1. the allegations or events that the investigation is required to examine
  - 9.2. whether a recommendation is required
  - 9.3. how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
  - 9.4. who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
10. The Investigator will be asked to submit their findings within 20 working days of appointment where possible.

11. The investigation should involve sharing, in confidence, with any named individual any claim against them and the evidence which supports those claims and documenting their response.
12. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

### **Notification**

13. 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:
  - 13.1. the names of its Chair and other members
  - 13.2. 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
  - 13.3. the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
  - 13.4. a copy of the Council's grievance policy
  - 13.5. 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 and no later than two working days before the meeting. The sub-committee has the right to refuse to hear witnesses who have not been notified to the sub-committee at least two working days before the meeting.
  - 13.6. confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two working days' notice. The sub-committee has the right to refuse any further evidence which has not been provided at least two working days before the meeting.
  - 13.7. findings of the investigation if there has been an investigation
  - 13.8. 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**

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

meeting to be investigated by the sub-committee.

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

### **The appeal**

16. 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.
17. Appeals may be raised on a number of grounds, e.g.:
  - 17.1. a failure by the Council to follow its grievance policy
  - 17.2. the decision was not supported by the evidence
  - 17.3. the action proposed by the sub-committee was inadequate/inappropriate
  - 17.4. new evidence has come to light since the grievance meeting.
18. The appeal will be heard by a panel of three Council members who may include members of the staffing committee. Where it is not possible to select three Council members not directly involved in the grievance hearing or the grievance itself the council may appoint independent members eg of other local councils. The decision on the make up of the appeal panel is the Council's alone.
19. The appeal panel will appoint a Chair from one of its members.
20. 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.
21. At the appeal meeting, the Chair will:
  - 21.1. introduce the panel members to the employee
  - 21.2. explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub- committee
  - 21.3. explain the action that the appeal panel may take.
22. The employee (or companion) will be asked to explain the grounds of appeal.
23. The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

24. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
25. The decision of the appeal panel is final.