Minutes of the General Purposes Committee Meeting of Ockbrook and Borrowash Parish Council.

Held at the Parish Hall, Ockbrook, on Wednesday 22nd March 2023 at 19:00.

## Present.

Councillors R Locke (Chairman), G Maskalick and M Wallis

## Also, Present

S Kitchener (Clerk and RFO) and 13 members of public.

## 322/03/23 Noted Apologies for Absence.

Councillors T Holbrook and C Millward

## 323/03/23 Confirm the minutes of the previous meeting held on the 19th May 2022.

**RESOLVED** proposed by Councillor R Locke, seconded by Councillor G Maskalick and all unanimously agreed that the minutes be approved as a true record and were signed by the Chairman at the meeting.

## 324/03/23 Variation of the Order if Business.

None

## 325/03/23 Declaration of Members Interests.

None.

## 326/03/23 Committee Items for Discussion/Action/Update.

## Policy Review:

* + Personal Data Breach policy – see appendix 1.
  + Social media policy - see appendix 2.
  + Safeguarding policy – see appendix 3.
  + Recording of meetings – see appendix 4.
  + Health and safety policy – see appendix 5.
  + Equality and diversity policy – see appendix 6.
  + Environmental policy – see appendix 7.
  + Dispensation policy – see appendix 8.
  + Disciplinary and grievance policy – see appendix 9.
  + Communication policy – see appendix 10.

**RESOLVED** Proposed by Councillor R Locke to accept the above policies, seconded By Councillor M Wallis and all unanimously agreed.

## 327/03/23 Date and Time of Next Meeting.

The next General Purposes Committee meeting will be called on the 24th May 2023, if it is required.

There being no further business the meeting concluded at 19.03.

### **Appendix 1**

# Ockbrook and Borrowash Parish Council.

## PERSONAL DATA BREACH POLICY.

### Introduction.

Ockbrook and Borrowash Parish Council has a duty under the General Data Protection Regulation (GDPR) to ensure that the personal data it processes is kept safe and secure. This plan details how the council will respond in the event of a personal data breach.

### Purpose.

This plan puts into place a procedure for dealing with any breaches of personal data which may occur, focussing on the steps to be taken once a breach has been discovered, and the processes that should be followed.

The consequences to our reputation and the potential impact on individual service users of the loss of personal information mean that we need to take swift and appropriate action in the event of a loss.

In addition, the Information Commissioner’s Office (ICO) has the ability to impose significant fines on the council for serious contraventions of the GDPR.

The ICO also has the ability to serve an enforcement notice on the council if the ICO considers taking positive steps is also necessary to bring about compliance. It is possible to receive a fine and an enforcement notice.

This plan aims to provide a consistent approach and follows guidance provided by the ICO. However, dealing with incidents of breaches of data is complex; there are many potential variables and a balanced judgement needs to be taken on a case by case basis.

### Aim.

This plan sets out the council’s commitment to upholding the GDPR principles and managing the information we hold fairly and lawfully. It seeks to ensure that any personal or special category (sensitive) personal information the council has in its possession is kept safe and secure and that processes are in place to minimise or mitigate the impact of a personal data breach.

### Roles and responsibilities.

This plan will be reviewed every two years, or earlier, if necessary.

The Parish Clerk will be responsible for ensuring operational compliance with this plan and for seeking advice from others including securing ICT support when appropriate.

### Ensuring breaches do not happen.

The effects of personal data losses are not only felt by the individuals concerned, but also affect the efficiency of the service and the reputation of the Parish Council as a whole.

It is important that all staff are aware of their responsibilities for handling personal information, keeping it secure and not disclosing it without proper cause.

All data controllers (the council) have a responsibility to ensure appropriate and proportionate security of the personal data they hold. This is covered by the 6th principle of the GDPR as detailed below:

*“[Personal data should be]* processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (‘integrity and confidentiality’)”

To prevent the council from being in breach of the requirements of the GDPR all elected Members, officers (whether permanent or temporary) and all third parties acting on behalf of the council must be aware of their corporate and personal responsibilities set out under the provisions of the GDPR.

### What is a personal data breach?

A personal data breach means a *breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.* This means that a breach is **more than just losing personal data.**

Such loss or release can occur in any of a number of ways:

* Loss or theft of equipment, which holds personal data e.g. laptops, tablets, CDs.
* Loss or theft of hard copy documents
* Equipment failure
* Inappropriate access or unlawful access, allowing unauthorised use.
* Human error
* Unforeseen incidents such as flood or fire
* Hacking attack
* Information obtained by surreptitious or deceptive means (blagging)
* Information being released inappropriately.

### Types of personal data breaches

Breaches can be categorised according to the following three information security principles.

* ‘Confidentiality breach’ - where there is an authorised or accidental disclosure of, or access to, personal data.
* ‘Availability breach’ – where there is an accidental or unauthorised loss of access to, or destruction of, personal data
* ‘Integrity breach’ – where there is an unauthorised or accidental alteration of personal data

### Dealing with a breach

As soon as a suspected or actual breach has been identified, the person who discovered it must report the incident immediately to the Parish Clerk, or, in their absence the Chairman. The Clerk will, at that point, become the ‘breach owner’.

If a breach is suspected to have taken place the following information will be required in order to assess the seriousness of the potential breach:

* The type of data involved.
* How sensitive the data is.
* If the data has been lost or stolen, whether there are any protections in place e.g. encryption
* What has happened to the data?
* What could the data tell a third party about an individual
* The volume of data i.e. how many individuals’ personal data are affected by the breach
* Who are the individuals whose data has been breached
* What harm can come to those individuals
* Are there wider consequences to consider e.g. loss of public confidence, negative publicity, financial implications

If after the initial assessment a breach has been clearly identified then an incident response team should be co-ordinated by the Clerk in conjunction with the Chair of the Council. Between them they will consider the action to be taken to:

* Protect the interests of the affected individuals
* Ensure the continuing delivery of the service
* Protect the interests of the council
* Meet the requirements of the GDPR in terms of informing the Information Commissioner’s Office

Breaches will require not just an initial response to investigate and contain the situation but also a recovery plan including, where necessary, damage limitation. Establish who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise.

### Notifying the Information Commissioner’s Office (ICO)

The GDPR places a duty on all organisations to report certain types of data breach to the Information Commissioner’s Office.

In the case of a personal data breach the council shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the ICO, unless the personal data breach is **unlikely** to result in a risk to the rights and freedoms of natural persons. Where the notification to the ICO is not made within 72 hours, it shall be accompanied by reasons for the delay.

The GDPR states that a personal data breach should be reported to the ICO if the breach is likely to result in a risk to the rights and freedoms of the individuals concerned. By this it means discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage. It also requires that this is done on a case by case basis. If there is not a risk to rights and freedoms, the ICO does not need to be notified.

After carrying out a full assessment of the risk, the decision as to whether or not to inform the ICO would normally rest with the Chair of the Parish Council.

If the decision is to notify the ICO, the Parish Clerk will act as liaison with the ICO

The Chair and any other relevant members will need to consider whether any officer concerned with the breach will be subject to disciplinary procedures.

The notification referred to above shall at least:

* Describe the nature of the personal data breach including, where possible, the categories and approximate number of data subjects concerned, and the categories and approximate number of personal data records concerned
* Communicate the name and contact details of the Clerk or other contact point where more information can be obtained
* Describe the likely consequences of the personal data breach
* Describe the measures taken or proposed to be taken by the council to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects

Where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.

The council shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the ICO to verify compliance with the GDPR.

Failing to notify a breach when required to do so can result in a significant fine; this is at the discretion of the ICO.

### Communication of a personal data breach to the data subject

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the council shall communicate the breach to the data subject without delay. This risk exists when the breach may lead to physical, material or non-material damage for the individuals whose data have been breached. Examples of such damage are:

* Discrimination
* Identity theft or fraud
* Financial loss
* Damage to reputation

When the breach involves personal data that reveals racial or ethnic origin, political opinion, religion or philosophical beliefs, or trade union membership, or includes genetic data, data concerning health or data concerning sex life, or criminal convictions and offences or related security measures, such damage should be considered likely to occur.

The communication to the data subject shall describe in clear and plain language the nature of the breach and contain at least the information and the recommendations provided.

The communication to the data subject shall not be required if any of the following conditions are met:

* The councils have implemented appropriate technical and organisational protection measures, and that those measures were applied to the personal data affected by the breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption
* The councils have taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise
* It would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

The Parish Clerk should consider consulting the ICO to seek advice about informing data subjects about a breach and on the appropriate messages to be sent to, and the most appropriate way to contact, individuals.

Consideration also needs to be given to any prospective equality issues that may arise from a breach e.g. the vulnerability of an individual affected by the breach.

### Post breach evaluation

Once the immediate breach response actions have been completed it is important not only to investigate the causes of the breach, but to also evaluate the effectiveness of the response. Carrying on ‘business as usual’ may not be acceptable if systems, policies or allocation of responsibilities was found to be at fault. Improvements should be instigated as soon as possible and should be communicated to staff and recorded so the council can be seen to have reacted in a responsible manner.

Those investigations into the cause of the loss of data should consider any staff capability or training issues that may be indicated and where appropriate, action may be considered under the council’s disciplinary procedure.

If the breach was caused, even in part, by systemic and ongoing problems, then action will need to be taken and procedures in place to prevent any recurrence in the future.

### **Appendix 2**

Ockbrook and Borrowash Parish Council

## SOCIAL MEDIA POLICY.

### Policy Statement.

* 1. This policy is intended to help employees including clerks, volunteers and members make appropriate decisions about the use of social media such as blogs, social networking websites, forums, message boards, or comments on web-articles, such as Twitter, Facebook and LinkedIn.
  2. This policy outlines the standards we require employees, volunteers and members to observe when using social media, the circumstances in which we will monitor your use of social media and the action we will take in respect of breaches of this policy.
  3. This policy supplements our Internet and Email Policy, Disciplinary Procedure and Bullying and Harassment Policy.

### The Scope of the Policy.

* 1. All employees, volunteers and members are always expected to comply with this policy to protect the privacy, confidentiality, and interests of our council.
  2. Breach of this policy by employees may be dealt with under our Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.
  3. Breach of this policy by members may be dealt with under the Code of Conduct as specified in the Disciplinary Procedure.

### Responsibility for Implementation of the Policy.

* 1. The council has overall responsibility for the effective operation of this policy.
  2. The clerk is responsible for monitoring and reviewing the operation of this policy and making recommendations for changes to minimise risks to our work.
  3. All employees, volunteers and members should ensure that they take the time to read and understand it. Any breach of this policy should be reported to the Clerk in or the case of a member, reported to the Monitoring Officer at Erewash Borough Council.
  4. Questions regarding the content or application of this policy should be directed to the clerk.

### Using Social Media Sites in our Name.

* 1. Only the clerk is permitted to post material on a social media website in the council’s name and on our behalf.

### Using Social Media.

* 1. We recognise the importance of the internet in shaping public thinking about our council and community. We also recognise the importance of our employees, volunteers and members joining in and helping shape local government conversation and direction through interaction in social media.
  2. Before using social media on any matter which might affect the interests of the council you must:

1. have read and understood this policy, email and Internet, disciplinary and bullying and harassment policy, and
2. employees and volunteers must have sought and gained prior written approval to do so from the clerk.

### General Rules for use of Social Media

Whenever you are permitted to use social media in accordance with this policy, you must adhere to the following general rules:

* 1. Do not upload, post or forward a link to any abusive, obscene, discriminatory, harassing, derogatory or defamatory content.
  2. Any employee, volunteer or member who feels that they have been harassed or bullied or are offended by material posted or uploaded by a colleague onto a social media website should inform the clerk.
  3. Never disclose commercially sensitive, personal private or confidential information. If you are unsure whether the information you wish to share falls within one of these categories, you should discuss this with the clerk.
  4. Do not upload, post or forward any content belonging to a third party unless you have that third party's consent.
  5. Before you include a link to a third-party website, check that any terms and conditions of that website permit you to link to it.
  6. When making use of any social media platform, you must read and comply with its terms of use.
  7. Be honest and open but be mindful of the impact your contribution might make to people’s perceptions of the council.
  8. Individual parish councillors and council staff are responsible for what they post in a council and personal capacity.
  9. Do not escalate heated discussions, try to be conciliatory, respectful and quote facts to lower the temperature and correct misrepresentations.
  10. Do not discuss employees without their prior approval.
  11. Always consider others’ privacy and avoid discussing topics that may be inflammatory e.g., politics and religion.
  12. Avoid publishing your contact details where they can be accessed and used widely by people you did not intend to see them, and never publish anyone else's contact details.
  13. Never give out personal details of others such as home address and telephone numbers.
  14. Ensure that you handle any personal or sensitive information in line with the Data Protection Act.
  15. Use a disclaimer. When using social media for personal purposes, you must not imply you are speaking for the Council. Avoid use of the Council e-mail address, logos or other Council identification. Make it clear that what you say is representative of your personal views only. Where possible, you should include a standard disclaimer, such as: "Statements and opinions here are my own and don't necessarily represent the Council's policies or opinions".
  16. Know your obligations: you must comply with other Council policies when using social media. For example, you should be careful not to breach Council confidentiality and proprietary information policies.
  17. Show respect to all. You should be respectful of the authority and employees. Derogatory comments are always wrong.

### Parish Councillors and Council Staff must not:

* 1. hide their identity using false names or pseudonyms.
  2. present personal opinions as that of the council
  3. present themselves in a way that might cause embarrassment to the council.
  4. post content that is contrary to the democratic decisions of the council
  5. post controversial or potentially inflammatory remarks.
  6. engage in personal attacks, online fights and hostile communications.
  7. use an individual’s name unless given written permission to do so.
  8. publish photographs or videos of minors without parental permission.
  9. post any information that infringes copyright of others.
  10. post any information that may be deemed libel.
  11. post online activity that constitutes bullying or harassment.
  12. bring the council into disrepute, including through content posted in a personal capacity.
  13. post offensive language relating to race, sexuality, disability, gender, age, religion or belief.
  14. conduct any online activity that violates laws, regulations or that constitutes a criminal offence.
  15. Publishing untrue statements about a person which is damaging to their reputation is libel and can result in a court action and fine for damages.
  16. This also applies if someone else publishes something libellous on your social media site. A successful libel claim will result in an award of damages against you.
  17. Posting copyright images or text on social media sites is an offence. Breach of copyright will result in an award of damages against you.
  18. Publishing personal data of individuals without permission is a breach of Data Protection legislation is an offence.
  19. Publication of obscene material is a criminal offence and is subject to a custodial sentence.
  20. Councillors views posted in any capacity in advance of matters to be debated by the council at a council or committee meeting may constitute Pre-disposition, Pre-determination or Bias and may require the individual to declare an interest at council meetings.

### Monitoring use of Social Media Websites.

* 1. Employees should be aware that any use of social media websites (whether accessed for council purposes or not) may be monitored and, where breaches of this policy are found, action may be taken against employees under our Disciplinary Procedure and for members action may be taken under the Code of Conduct investigated by the Monitoring Officer at Erewash Borough Council
  2. Misuse of social media websites can, in certain circumstances, constitute a criminal offence or otherwise give rise to legal liability against you and us.
  3. A serious case of uploading, posting forwarding or posting a link to any of the following types of material on a social media website, whether in a professional or personal capacity, will probably amount to gross misconduct (this list is not exhaustive):
* pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature).
* a false and defamatory statement about any person or organisation.
* material, which is offensive, obscene, criminal, discriminatory, derogatory or may cause embarrassment to the council, members, or our employees.
* confidential information about the council or anyone else
* any other statement which is likely to create any liability (whether criminal or civil, and whether for you or the council); or
* material in breach of copyright or other intellectual property rights, or which invades the privacy of any person.

Any such action will be addressed under the disciplinary policy and for employees may result in summary dismissal.

* 1. Where evidence of misuse is found we may undertake a more detailed investigation in accordance with our Disciplinary Procedure involving the examination and disclosure of monitoring records to those nominated to undertake the investigation and any witnesses or managers involved in the investigation. If necessary, such information may be handed to the police in connection with a criminal investigation.
  2. If you notice any use of social media by other employees or volunteers in breach of this policy, please report it to the clerk.
  3. If you notice any use of social media by other members in breach of this policy, please report it to the Monitoring Officer at Erewash Borough Council.

### Monitoring and Review of this Policy

* 1. The clerk shall be responsible for reviewing this policy to ensure that it meets legal requirements and reflects best practice. The council will be asked to adopt this policy and individual Councillors agree to abide by this policy.

### **Appendix 3**

# **Ockbrook and Borrowash Parish Council.**

## Safeguarding Policy – Personal Safety, a Guide for Councillors and the Parish Clerk.

### Introduction.

An important role of Councillors and Parish Clerks is to keep in touch with members of the community.

This normally includes helping individuals or groups of people with any problems they may have, and these contacts are usually rewarding and non-confrontational.

The following guidance is to raise the awareness of personal safety and outline the measures that you can take to minimise any risk you may be exposed to.

The risks are thankfully small, but a little time given to preparation and planning can reduce them even further.

A definition of a ‘lone worker’ could be as follows…. Those who work by themselves with close or direct supervision.

**Councillors and Parish Clerks should always assess the level of risk and consider their own safety.**

### General Consideration.

A few general points to consider include:

* Treat people with respect
* Be conscious of people’s body language
* Be aware of the ways to calm a person down if they are angry or frustrated due to the lack of action from elsewhere, this may come with experience or from learning from other colleagues
* Do not isolate yourself
* Where possible, do not arrange to meet an unknown constituent in an isolated placer,
* Inform someone where you are, how to contact you, who you are meeting and what time you are expecting to be back.

### Home Visit Safety.

Councillors will sometimes be asked to visit constituents in their homes, especially if they are elderly, disabled and have mobility or other issues that prevent them attending a ward surgery. It may also be the case that the person is known to them.

Before arranging a home visit, however, Councillors should always consider alternative options:

* Can contact be made by phone or email?
* Can a meeting be arranged in a public place such as the Parish Hall or a café?
* Can another Parish Councillor or another person accompany you if a home visit takes place?

If a home visit is undertaken, the following personal safety issues should be considered and planned before going:

* Arrange the visit in daylight hours if possible.
* Make sure someone knows where you are going and what time to expect you back
* After knocking or ringing the bell, stand back and to the side of the door
* Never be tempted to look through the letterbox
* Ask for dogs or other pets to be secured, where appropriate
* Consider and note how you would leave the room or property if felt threatened at any time, e.g. Sit near to the exit door, are there any other ways out of the room or property
* **If in any doubt or you feel threatened do not enter. Make an excuse and leave**
* Note any other people in the property and their mood
* Only sit down when the resident does
* Where possible sit in an upright chair or sit on the edge of an armchair or sofa
* **If the situation changes and you feel threatened, make an excuse and leave**
* Back out rather than turning your back on the resident.

### Personal Safety in Other Situations.

### Attending Meetings.

Councillors often have to attend meetings in the hours of darkness. It is possible that, depending on the nature and outcomes of a particular meeting, members of the public may leave feeling angry or upset. In these circumstances, Councillors may wish to be accompanied to their car or nearest bus stop by a colleague who is also attending the meeting.

### Parking and General Car Safety.

* Try not to park in dark areas, deserted streets or isolated car parks.
* Park where possible under street lighting
* Always reverse into a parking space so that you can be ready to leave quickly if necessary
* Always lock your vehicle when entering and leaving it
* Do not keep valuables, your briefcase, paperwork etc on display in the vehicle.
* If you have to use a multi-storey car park, try to park on the ground floor away from the stairs and lifts. Always have the correct change ready for the machine and do not linger longer than necessary staying alert.
* Carry a torch with you.
* Hold keys in your hand so that you can get straight into the vehicle.
* Look closely at your vehicle as you approach in case someone is crouching down.
* Look inside the vehicle before entering to ensure nobody is hiding there, even if the vehicle was locked.
* If you are followed in your vehicle, do not stop. Drive to an area where there are people about. Then stop, flash you lights and sound your horn to attract attention.
* Always make sure your vehicle has sufficient fuel for the journey.

### Reporting Incidents.

Depending on the severity of the incident you should always contact the police. Even if an incident is not considered serious enough to involve the police, it should always be reported.

Remember that by taking appropriate action you may help to prevent a similar evet reoccurring.

### **Appendix 4**

# **Ockbrook and Borrowash Parish Council**

## Recording of Meetings Policy.

Ockbrook and Borrowash Parish Council is committed to being open and transparent in the way that it conducts its decision making.

The right to record, film and to broadcast meetings of Ockbrook and Borrowash Parish Council was established under the Openness of Local Government Bodies Regulations 2014. This is in addition to the rights of the Press and public to attend such meetings.

Recording, including filming, audio recording, taking photographs, blogging, tweeting and using other social media is permitted at any Parish Council meeting which is open to the public provided that the Chairman of the meeting does not consider that there is disruption to the proceedings of the meeting and subject to the following procedure.

### Procedure

Anyone wishing to record a meeting is requested to let the Chairman of the meeting know prior to, or at the start of, the meeting. The recording should be overt (i.e., clearly visible to anyone at the meeting) and must take place from a fixed position in the meeting room approved by the Chairman to reduce disruption to the proceedings.

At the beginning of the meeting, the Chairman will make an announcement that the meeting may be filmed or recorded, and the Council will ensure that signage at Council meetings makes it clear that recording can take place. If anyone speaking at the meeting does not wish to be recorded, they should let the Chairman of the meeting know.

Anyone visually recording a meeting is requested to only focus on recording Councillors, officers and the public who are directly involved in the conduct of the meeting. People seated in the public area should not be photographed, filmed or recorded without the consent of the individuals concerned. Any children present at the meeting should not to be filmed unless they and their parents/guardians have given their consent. Any request made by the Chairman regarding respecting the public’s right to privacy must be complied with.

Any person wishing to record Council meetings will be responsible for ensuring that any cabling, or electrical equipment they use has been properly tested and installed and adheres to health and safety requirements. The Council will not be held liable for any injuries to the individual or members of the public caused by the recording of its meetings.

The Chairman of the meeting has absolute discretion to request that a person stop or suspend recording if, in the Chairman’s opinion, continuing to do so would prejudice proceedings at the meeting because:

* recording is disrupting the proceedings of the meeting.
* there is public disturbance or a suspension of the meeting.
* the meeting has resolved to exclude the public for reasons of confidential business.

For these purposes recording equipment must not be left unattended at meetings.

The Council cannot accept liability for any equipment that is lost, stolen or damaged at its public meetings.

The recording should not be edited in any way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Council’s values or in a way that ridicules or shows a lack of respect for those in the recording.

If the Council resolves to discuss confidential information, and the public are excluded from the meeting, all recording equipment must be removed immediately from the room.

The use of flash photography or additional lighting will not be allowed unless this has been discussed with the Clerk in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

If the Clerk records the meetings, this will be to aid the writing of the minutes and the recording will be deleted after the minutes have been produced.

### Guidance Notes

The Parish Clerk should be contacted prior to the meeting if the recording involves large equipment or special requirements.

Recording and reporting the Council’s meetings is subject to the law and it is the responsibility of those who undertake the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act, the Public Order Act Part III (1986 as amended), the Equality Act 2010, the laws of libel and defamation and any subsequent legislation or regulations.

The Council may itself photograph, film, record or broadcast its meetings and may retain, use or dispose of such material in accordance with its retention and disposal policies.

Parish Clerk email address: clerk@ockbrookandborrowashparishcouncil.gov.uk

### **Appendix 5**

# Ockbrook and Borrowash Parish Council

## HEALTH AND SAFETY POLICY.

### Section 1 -Policy Statement

Ockbrook and Borrowash Parish Council recognises that it has a statutory duty under the Health and Safety at Work Act 1974 and other relevant legislation to provide and maintain a safe and healthy workplace, safe work equipment and systems of work for its employees, any contractor and members of the public when on our premises.

It is our policy to provide information, instruction, training and supervision as needed for this purpose.

It is our intention as far as is reasonably practicable, to provide facilities, safeguards and methods of working which, if properly used by employees and other authorised persons on our premises, will be conductive to their health, safety and welfare.

Ockbrook and Borrowash Parish Council also accepts the responsibility for the health, safety and welfare of other people who may be affected by its activities and actively seeks support from all employees, whatever their status in the promotion of strategies and procedures to achieve the objectives of this policy.

The policy will be kept up to date as required and to ensure this, the policy and the way it is operated will be reviewed every two years, or earlier, if necessary.

A copy of this policy is issued to all employees and Parish Councillors.

### Section 2 – Day to Day Health and Safety Responsibilities.

#### **Ockbrook and Borrowash Parish Council.**

* Will maintain an effective programme to ensure that all workplace hazards are systematically identified, and appropriate measures introduced to control these hazards. Risk assessments to beundertaken and reviewed every two years, or earlier, if necessary.
* Will ensure all employees have the opportunity to participate in the development of good working practices, have all relevant documentation relating to health and safety available, receive training where relevant and are provided with the necessary information to undertake their duties safely.
* Will ensure all necessary personal protective equipment is provided to employees and that they are trained in its uses and proper maintenance and storage.
* Will encourage all staff to set a high standard of health and safety management.
* Weill ensure all contractors comply with the necessary health and safety standards.

#### **Employees.**

* Must take responsibility for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.
* Must co-operate with Ockbrook and Borrowash Parish Council to achieve a healthy and safe workplace, and to report any health and safety problems that arise to the Chairman if they are unable to resolve themselves.
* Must carry out their duties in a way that does not adversely affect their own health and safety and that of others and to ensure that personal protective equipment is always used when necessary.
* Must not misuse any equipment provided in the interests of health and safety and welfare.
* Must undertake any training and or instructions in health and safety related subjects to ensure that they are competent to carry out their health and safety responsibilities.

### Section 3 – Arrangements for Health and Safety Systems and Procedures.

#### **General Safety and Conduct of Employees.**

Employees are reminded of their moral and legal responsibility for conducting themselves in such a manner in their work so as not to expose themselves or others to risk. To this end the Health and Safety Policy is a documents that must be read, understood and implemented by all employees. Employees must not promote or participate in any action that may result in accident or injury.

#### **Accidents.**

It is the injured persons responsibility to notify the Clerk who will record it in the accident book. Should the accident be reportable to the Health and Safety Executive as required by RIDDOR this will be done by the Clerk in conjunction with the Chairman.

#### **First Aid.**

The first aid box is located in the kitchen of the Parish hall. The appointed person for the box is the Clerk.

#### **Safety Training.**

All staff will be given relevant training to evacuation procedures, accident procedures and availability of first aid. Other training is to be carried out as the need arises and records must be kept.

#### **Electrical Safety.**

All portable appliances will be checked at least annually by a qualified electrical contractor. An electrical check in accordance with the Electricity at Work Regulations 1989 will be carried out in line with HSE and IEE guidance.

#### **Manual Handling.**

* Make full and proper use of any handling aid and personal protective equipment provided.
* Inform the Chairman of any physical condition that might affect your ability to undertake any manual handing activity.
* Exercise care and diligence always, considering others who may be affected by your activities.
* Ascertain the characteristics of the load, e.g., the weight, centre of gravity etc and feel confident and able before lifting.
* Maintain a safe environment through good housekeeping and the height of any load carried should not obstruct vision. Know the route before setting off, i.e., steps, doors, floor surfaces etc.
* Always apply the six points to safe lifting:

1. Arms – Keep close to the body.
2. Chin – Look straight ahead with chin tucked in.
3. Body weight – use to your best advantage to initiate load movement and then lift using your leg muscles.
4. Back and legs – keep the back straight, shoulders level. Bend your legs not your back.
5. Grip – grasp firmly using the palms of the hand, roots of the fingers and thumbs.
6. Feet – face the direction of travel with the leading foot at the side of the load, the rear foot behind the load and a firm balanced stance.

* When lowering loads apply the six points to safe lifting, taking care not to trap hands and fingers on releasing the load.
* Team handling calls for adequate space, sufficient hand holds and one person in charge of the lift.
* Always apply common sense – over confidence can lead to permanent injury.
* In all case weigh up all the factors. Make sure loads are not too heavy to lift and see there are no obstructions in the way.
* If you are in any doubt as to the weight of an object seek assistance from a colleague.

#### **Fire Precautions.**

* Adequate arrangements are in place for the speedy evacuation of employees from the Parish Hall in the event of a fire, details of which are clearly displayed in the building.
* The fire assembly point is by the post box in the front car park.
* Fire fighting appliances are located at designated points throughout the premises and these must be kept free from obstruction at all times to allow easy access if required in the event of a fire occurring.
* Only attempt to extinguish the fire in circumstances where this can be attempted with no danger to yourself and when the fire is of a minor nature.
* Materials, both combustible and non-combustible, should be stored alternatively in properly designated areas to minimise fire risk.
* All hirers of the hall are responsible for complying with any written fire plan or any other fire procedure during the period of their letting.
* All routine checks to be recorded in the Fire Logbook maintained by the Clerk.

#### **The Management of Health and Safety at Work Regulations 1999.**

To comply with the legal obligations imposed by this legislation Ockbrook and Borrowash Parish Council will carry out suitable and sufficient risk assessments for all work carried out by our employees and other persons employed.

The results of these risk assessments will be communicated to employees and others as necessary and will stipulate the measures necessary to reduce or control any degree of risk.

#### **Alcohol and Drugs.**

No person should be under the influence of or bring to the Parish Council premises any substance which may impair the ability of a person in any way.

Any persons considered to be placing themselves or others at risk due to being under the influence of alcohol or drugs will be asked to leave the premises.

#### **Office Health and Safety.**

* The office and storage areas must be kept clean and tidy at all times.
* The office floor should be maintained in good condition and so far, as is reasonably practicable, free from materials which may cause a person to slip, trip or fall.
* Loose or damaged floor coverings must be replaced or repaired as soon as possible following detection.
* Materials or equipment should not be stored in walk areas.
* Trailing cables from display screen equipment, telephones etc, should be kept to a minimum and positioned so as not to present a potential tripping hazard.
* Suitable and sufficient sanitary facilities will be provided. Office personnel are responsible for ensuring these facilities are kept in a tidy condition and any defect arising reported to management.
* Shelving and stacking areas should be arranged to reduce lifting, climbing and carrying distances.
* Filing cabinets and shelving should be positioned to prevent them falling over.

#### **Lone Working.**

Employees must not arrange to meet unknown contacts except in a public area. Employees must provide details to another person of where they are going, the purpose of the visit and anticipated time of return.

#### **Aggressive Situations.**

It is recognised due to the nature of our work that employees may be subject to aggressive behaviour. Situations resulting in verbal abuse or anti-social behaviour as well as physical assault must be reported to the Parish Council Chairman.

#### **Security.**

In periods of absence and/or at the end of each working day the Parish Hall must be secured. The person responsible for locking up must check that:

1. Office equipment is turned off.
2. All windows are securely closed.
3. All lights are turned off.
4. All entrances and exits are shut and secured.

#### **Display Screen Equipment.**

It is our intention to optimise the use and application of display screen equipment whilst safeguarding the health and welfare of those in operating such equipment.

Guidance on the use of display screen equipment:

* Adjust your chair and display screen to find the most comfortable position for your work.
* Ensure you have enough workspace for whatever documents or other equipment you need.
* Arrange your desk and display screen to avoid glare or bright reflections on the screen.
* Ensure there is sufficient space under the desk to move your legs freely. Move any obstacles such as boxes or equipment.
* Avoid excess pressure from the edge of the seat on the backs of your legs and knees.
* Adjust the keyboard to get a good typing position. A space in front of the keyboard if helpful for resting the hands and wrists when not typing.
* Keep your wrists straight when typing, do not over stretch your fingers.
* Adjust the brightness and contrast control on the screen to suit the lighting conditions.
* Do not sit in the same position for long periods, change your posture as often as possible.
* Organise your working time so that display screen work is interspersed with other activities whilst maintaining an acceptable level of efficiency and productivity.
* You should consult an optician if you experience eyesight problems, are in doubt about whether you need spectacles or are in any doubt whether your current prescription is appropriate.

#### **Hazardous Substances.**

All hazardous substances on the premises are to be kept locked in a suitable cupboard. When using hazardous substances wear personal protective equipment as recommended on the container label.

#### **Policy Review.**

This policy will be reviewed and updated following any major changes in procedures, personnel or annually whichever occurs first.

All risk assessment and training records are to be kept available for inspection.

### **Appendix 6**

# **Ockbrook and Borrowash Parish Council**

## **Equality and Diversity Policy.**

### Purpose

The purpose of this policy is to provide equal opportunities to all employees, volunteers, Councillors and residents. We oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

The Public Sector Equality Duty Act 2011 ensures we have due regards to

* Eliminate unlawful discrimination, harassment and victimisation
* Advance equality of opportunity by
  + Removing or minimising disadvantages
  + Meeting peoples needs
  + Encouraging people to take part in public life,
* Fostering good relations

The act also recognises that disabled people’s needs may be different from non-disabled people, therefore this will be taken into consideration when making decisions.

### Scope.

All Ockbrook and Borrowash Parish Council employees, Councillors, volunteers and residents will be treated fairly and equally, and they will be expected to adhere to and comply with this policy.

Selection for employment, promotion, training, remuneration or any other benefit will be based on aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of Ockbrook and Borrowash Parish Council.

**Equality** is about making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but it recognises that their needs are met in different ways.

**Diversity** is about valuing individual difference. So ‘diversity’ is much more than just a new word for equality. A diverse approach aims to recognise the values and manage differences to enable everyone to contribute and realise their full potential. Diversity challenges us to recognise and value all sorts of differences as well as those covered by legislation, to make Ockbrook and Borrowash a better place for everyone to live and work and that the services the Parish Council provides are appropriate for everyone.

### Protected Characteristics.

As an individual, some of the following characteristics will help define you as a person. Ockbrook and Borrowash Parish Council will provide support to anyone with the following characteristics which are protected in law under the Equality At 2010.

* Age
* Disability
* Gender reassignment
* Marital or civil partnership status
* Pregnancy and maternity
* Race (to include colour, nationality and ethnic or national origins)
* Religious, spiritual or none beliefs
* Sexual orientation
* Sex

### Our Commitment.

Every employee, volunteer and Councillor is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work/Bullying and Harassment Policy adopted by the Parish Council.

The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing society as a whole.

Breaches of our Equality and Diversity Policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination, harassment or victimisation through the Councils Disciplinary and Grievance Procedure.

### In the Community, we pledge:

* To make all buildings and services accessible to all the residents of the parish.
* To ensure that all public information is made accessible to all residents, providing alterative formats where necessary and to consider the needs of all communities in the methods used to communicate.
* To adopt legal, national and local guidelines, relevant legislation, codes of practice, policies or strategies that seek to ensure equality of opportunity and promote good relations between all the communities in our parish.
* To use the ‘social model of disability’ as the basis of further work or promote equality of opportunity for and to tackle discrimination.

### **Appendix 7**

# Ockbrook and Borrowash Parish Council

## ENVIRONMENTAL POLICY.

### Policy Statement.

Ockbrook and Borrowash Parish Council recognises that it has many roles including:

* consumer of goods and services
* educator and opinion leader
* public watchdog
* provider of services
* landowner
* employer

Many of the decisions and actions of the Council affect the environment either directly or indirectly. In recognition of this, the Council will seek to promote the conservation and sustainable use of natural resources and to minimise environmental pollution in all of its own activities and through its influence over others.

### Aims

In all its activities the Parish Council will aim to:

* Minimise the consumption of all resources used in its operations, particularly in respect of the administration of its activities.
* Seek, wherever possible, to use only contractors and suppliers who have their own environmental policy, one which is continually reviewed, updated and measured against recognised, contemporary best practice examples.

### Principles

Ockbrook and Borrowash Parish Council will strive to:

1. Meet all relevant environmental legislation and regulations.
2. Regularly update and improve standards in light of increased understanding and knowledge.
3. Recycle and reuse waste materials where possible.
4. Dispose of all necessary waste through safe and responsible methods.
5. Encourage the responsible use of energy.
6. Respect and protect natural resources by practising conservation and good management.
7. Encourage contractors and suppliers to minimise their impact on the environment.
8. Encourage its Members and employees to take responsibility for ensuring that the best environmental policy is used and adhered to at all times.
9. Purchase products and services which are energy environmentally benign and sustainable where these are available competitively in terms of quality and price.
10. The Council will aim to minimise the environmental impact in the use of land, treatment of the land and any building projects upon the land. It will seek to conserve and improve both the natural and built environment as appropriate, and to carry out environmental improvements to all areas within its ownership and control. Such improvements, once achieved, will be monitored and promoted for maximum public enjoyment.

### **Appendix 8**

Ockbrook and Borrowash Parish Council

DISPENSATION POLICY.

Introduction - Pecuniary Interests in Matters Considered at Meetings.

Section 31 of the Localism Act 2011 sets out what a member must do if he or she has (and is aware that he or she has) a disclosable pecuniary interest[[1]](#footnote-1) in a matter which is to be considered or is being considered at a meeting at which the member is present. Section 31 applies, to elected councillors and to councillors who have been co-opted onto the full council. But section 31 also applies to the very few co-opted members of committees who are not councillors but who are allowed (by law) to vote on certain committee decisions.[[2]](#footnote-2)

Section 31 says that, if a member[[3]](#footnote-3) is present at a meeting of the authority, or at a meeting of any committee, sub-committee, joint committee or joint sub-committee of the authority, and is aware that he or she has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting and that interest is not in the register of members’ interests, he or she must disclose that interest to the meeting (or, in the case of a sensitive interest, disclose the fact of there being a disclosable pecuniary interest, but not details of the interest itself).[[4]](#footnote-4)

If the interest is not the subject of a pending notification, the member must also notify the monitoring officer of the interest before the end of twenty eight days beginning with the date of disclosure.[[5]](#footnote-5) The monitoring officer must ensure that the interest so notified is entered in the council’s register (whether or not the interest is a disclosable pecuniary interest).

The section then goes on to state that the member may not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, unless a dispensation has been granted[[6]](#footnote-6), and standing orders may provide for the exclusion of a member while any such discussion or vote on a matter takes place.[[7]](#footnote-7)

Dispensations.

So, in what circumstances may a dispensation be granted to a member[[8]](#footnote-8) to remove from that member the prohibition on taking part in a discussion and or a vote on a matter in which he or she has a disclosable pecuniary interest?

Section 33 says that the Council may grant a dispensation relieving the member from either or both of the restrictions in section 31(4) in cases described in the dispensation. But, it may only do so in response to a written request made to the proper officer of the authority by the member concerned.[[9]](#footnote-9)

Ockbrook and Borrowash Parish Council may grant a dispensation under section 33 only if, after having had regard to all relevant circumstances, the authority considers that[[10]](#footnote-10):

* without the dispensation, the number of members or co-opted members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
* without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
* granting the dispensation is in the interests of persons living in the authority’s area; or
* it is otherwise appropriate to grant a dispensation.

A dispensation granted under section 33 must specify the period for which it has effect, and that period may not exceed four years.[[11]](#footnote-11)

Finally, section 33(4) says that the restriction in section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under section 33. So,

* a member may request a dispensation (by putting his or her request in writing to the clerk) and
* a council may discuss and vote on the issue of whether that member should be granted a dispensation in relation to a particular matter in which that member has a disclosable pecuniary interest; and
* the member can take part in that decision-making process.

Process for making requests.

Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request form and submit it to the proper officer of the Parish Council (i.e. the Parish Clerk) as soon as possible *before* the meeting which the dispensation is required. Applications may also be made at the meeting itself (if the Council has a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a Councillor at the meeting itself.

A request for dispensation must be made on an individual basis.

Consideration by the Parish Council.

The Parish Council can either delegate to the Parish Clerk the authority to grant dispensations or reserve such decisions for the full Council. If the Council decides to delegate this role to the Clerk then it will need to make a formal resolution to this effect, on the lines of:

“RESOLVE that the Council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under

section 33(2). "

The Clerk or the Council may grant a dispensation to a councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

(a) so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (i.e. the meeting would be inquorate); or

(b) the authority considers that the dispensation is in the interests of persons living in the

authority’s area; or

(c) it is otherwise appropriate to grant a dispensation.

The Council may wish to extend the provisions of the above paragraphs to apply in the same way in the case of a “non-disclosable pecuniary interest” or an “other interest”, as defined in the Code of Conduct, but this is at the discretion of the Council.

The Clerk or Council should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

Criteria for Determination of Requests.

In reaching a decision on a request for a dispensation the Council or the Clerk (as appropriate) will take into account:

* the nature of the Councillor’s prejudicial interest
* the need to maintain public confidence in the conduct of the Council’s business
* the possible outcome of the proposed vote
* the need for efficient and effective conduct of the Council’s business
* any other relevant circumstances.

Terms of Dispensations

Dispensations may be granted:

* for one meeting; or
* for a period not exceeding 4 years.

Disclosure of Decision

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors’ Interests.

### **Appendix 9**

# Ockbrook and Borrowash Parish Council

## DISCIPLINARY AND GRIEVANCE POLICY.

### INTRODUCTION.

This procedure is based on and complies with the 2017 ACAS Code of Practice <http://www.acas.org.uk/media/pdf/9/g/Discipline-and-grievances-Acas-guide.pdf>

This 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.

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

This procedure confirms:

* Informal coaching and supervision will be considered, where appropriate, to improve conduct and/or attendance.
* the Council will fully investigate the facts of each case.
* the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees’ underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see the ACAS publication “How to manage performance” at: <http://www.acas.org.uk/index.aspx?articleid=2927>
* employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case.
* employees will be provided where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.
* employees may be accompanied or represented by a trade union representative or a work colleague at any disciplinary or investigatory meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee’s wishes or prevent the employee from explaining his/her case
* the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions.
* If the employee’s companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
* any changes to specified time limits in the Council’s procedure must be agreed by the employee and the Council.
* information about an employee’s disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee’s disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
* recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee’s medical condition.
* employees have the right to appeal against any disciplinary action. The appeal decision is final.
* if an employee who is already subject to the Council’s disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
* disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal.
* this procedure may be implemented at any stage if the employees alleged misconduct warrants this.
* except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct.
* if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
* the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council’s and the employee’s consent.

### EXAMPLES OF MISCONDUCT.

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

* Unauthorised absence
* Poor timekeeping
* Misuse of the Councils 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.

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

* Bullying, discrimination and harassment
* Incapacity at work because of alcohol or drugs
* Violent behaviour
* Fraud or theft
* Gross negligence
* Gross insubordination
* Serious breaches of Council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology.
* Serious and deliberate damage to property
* Use of the internet or email to access pornographic, obscene or offensive material
* Disclosure of confidential information.

### SUSPENSION.

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.

While on suspension the employee is required to be available during normal hours of work in the event that the Council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or Councillor.

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.

The following list contains some examples of unsatisfactory work performance: the list is not exhaustive

* Inadequate application of management instructions/office procedure
* Inadequate IT skills
* Unsatisfactory management of staff
* Unsatisfactory communication skills

### THE PROCEDURE.

#### **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 the situation or to establish the perspective of others who may have witnessed misconduct.

#### **Informal Procedures.**

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

### DISCIPLINARY INVESTIGATION.

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

If a formal disciplinary investigation is required, the Council’s HR Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a Councillor. If the HR Committee considers that there are no Councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The HR Committee will inform the investigator of the terms of reference of the investigation. The terms of reference should specify:

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

The Investigator will be asked to submit a report 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 HR Committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given at least five working days’ 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.

Employees may be accompanied or represented by a trade union representative or a work colleague at any investigatory meeting.

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.

The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the HR Committee whether or not disciplinary action should be considered under the policy.

The Investigator’s report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

* + the employee has no case to answer and there should no further action under the Council’s disciplinary procedure.
  + the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  + the employee has a case to answer and there should be action under the Council’s disciplinary procedure.

The Investigator will submit the report to the HR Committee which will decide whether further action will be taken.

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.

The Investigator shall not sit on the HR Committee, neither should any Councillors with direct involvement sit on the HR Committee. If the HR Committee decides that there is a case to answer, the employee will be invited, in writing, to attend a disciplinary meeting. The committee’s letter will confirm the following:

* the names of its Chairman and other two members
* details of the alleged misconduct, its possible consequences and the employee’s statutory right to be accompanied at the meeting.
* a copy of the investigation report, all the supporting evidence and a copy of the Council’s disciplinary procedure
* the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it.
* that witnesses may attend on the employee’s and the Council’s behalf and that both parties should inform each other of their witnesses’ names at least five working days before the meeting.
* that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing.
* that the employee may be accompanied by a companion, either a trade union representative or a work colleague

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

* the Chairman will introduce the members of the personnel committee to the employee and explain the arrangements for the hearing
* the Chairman will invite the Investigator to present the findings of the investigation report
* the Chairman will set out the council’s case and present supporting evidence (including any witnesses)
* The Chairman will invite the employee to present their account
* the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
* any member of the HR Committee and the employee (or the companion) may question the Investigator and any witness
* the employee (or the companion) will have the opportunity to sum up his/her case
* the Chairman will provide the employee with the HR Committee’s decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision
* the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

### DISCIPLINARY ACTION.

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

#### **Stage 1 - Oral Warning**

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

* the reason for the warning,
* that it is the first stage of the disciplinary procedure,
* the improvement that is required and the timescales for achieving this improvement,
* together with a review date and any support available (where applicable) and
* his or her right of appeal.
* A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct.

#### **Stage 2 - Written Warning**

If the offence is a serious one, or if further to previous formal disciplinary action, a WRITTEN WARNING will be given to the employee by the Chairman of the Personnel Committee. This will set out:

* The details of the complaint
* the improvement required and the timescale.
* It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal.
* A copy of this written warning will be kept on file, but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

#### **Stage 3 – Final Written Warning**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a FINAL WRITTEN WARNING will normally be given to the employee. This will set out:

* details of the complaint
* will warn that dismissal will result if there is no satisfactory improvement.
* will advise of the right of appeal.
* A copy of this final written warning will be kept by the Line Manager (or in the case of the Clerk being disciplined by the Chair of the Hearing Panel) but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

#### **Stage 4 – Dismissal or other sanctions**

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Society reasonably believes Gross Misconduct has occurred, DISMISSAL may result. Only the appropriately convened hearing panel can take the decision to dismiss an employee.

* The employee will be given a written statement of allegations against him/her.
* invited to a meeting.
* notified in writing of the reasons for the decision taken at the hearing.
* Penalties at this stage may include dismissal with notice or summary dismissal (i.e., without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority.
* If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right of appeal.

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

### THE APPEAL.

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.

The grounds for appeal include;

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

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

* 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, either a trade union representative or a work colleague.
* At the appeal meeting, the Chairman will:
  + introduce the panel members to the employee
  + explain the purpose of the meeting, which is to hear the employee’s reasons for appealing against the decision of the Personnel sub-committee
  + explain the action that the appeal panel may take.
* The employee (or his companion) will be asked to explain the grounds for appeal.
* The Chairman will inform the employee that he/she will receive the decision and the panel’s reasons, in writing, within five working days of the appeal hearing.
* The appeal panel may decide to uphold the decision of the HR Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee’s personnel file.
* 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.
* The appeal panel’s decision is final.

### **Appendix 10**

# **Ockbrook and Borrowash Parish Council**

## COMMUNICATION POLICY

### Introduction

Each Parish Councillor has a duty to represent without bias the interests of the whole community.

They will always try and do their best and are available to help parishioners with regard to matters relating to the Parish of Ockbrook and Borrowash.

Parish Councillors may be contacted via the Clerk.

If it is felt by the villager that the matter is important, then a letter or email to the Parish Clerk will ensure that it is dealt with in a timely and professional manner (also see the Correspondence section below).

It is the Parish Council's intention to meet the timescales detailed below but there could be occasions when this is not possible. When this happens the Parish Council will review their procedures and where necessary make changes to the policy or procedures.

### Aims

To establish clear, easy to use channels of communication between the Parish Council and Parishioners, and vice versa.

To provide information on important matters in a timely manner so as to facilitate and encourage informed comment from interested individuals and groups.

### Parish Council Meetings

The Parish Council meets on the first Wednesday of every month, except in January and August when we do not hold a meeting.

The Parish Council will alternate meetings between the Ockbrook Village Hall and the Ashbrook Centre, Borrowash. All meetings will commence at 19:00.

Public participation will be held from 19:00 to enable discussion on agenda items. Members of the public wishing to address the Council during the formal meeting or wishing to record the meeting must make the Chairman aware of their intention before the meeting starts.

### Notice Boards

The following items will be displayed on the five Parish Council noticeboards.

* Parish Council meeting dates for the year
* Contact details for the Clerk and Councillors
* The Parish Council's meeting agenda - which will be posted with the minimum three clear days notice, this does not include the day on which the agenda was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day at the Easter break or a bank holiday or a day appointed for public thanksgiving or mourning.

The information displayed on the Parish Notice Board will be kept up-to-date.

### Correspondence

All correspondence relating to the Parish should be addressed to the Parish Clerk in the first instance either via email at [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk) or via post. This will ensure that the matter is recorded and passed to the relevant person or organisation as soon as practically possible.

All correspondence to the Parish Clerk will be acknowledged within one week of receipt if at all possible. If email is used then an acknowledgment will be sent via email.

Councillors will be notified of correspondence, but the addressee will not be named on minutes of meetings unless requested. Anonymous correspondence in any form will be recorded as received but not responded to.

Email should be thought of in the same way as a letter. A subject line, the sender’s name and the content should be in the main body of the email, not as an attachment. Attachments will not be opened unless the Clerk has prior knowledge of the subject. The Council regrets that, for reasons of computer security and virus protection, anonymous emails will not be opened or actioned.

A parishioner may raise any issue directly with the Parish Clerk or any Councillor. If a satisfactory answer cannot be given immediately, the issue may be placed on the agenda for the attention of the full Council.

The Clerk will acknowledge all Freedom of Information requests within seven working days and will reply fully within 20 working days of receipt of the request. If this is not possible, a further holding letter/email will be sent with an expected completion date.

### Website

The Parish Clerk will arrange for the Agenda and associated papers to be posted on the Ockbrook and Borrowash Parish Council Website [www.ockbrookandborrowashparishcouncil.gov.uk](http://www.ockbrookandborrowashparishcouncil.gov.uk) If possible the agenda will be on the website with at least three clear days before the meeting, the draft Minutes will be posted as soon as possible after the meeting and the final Minutes will be posted once approved.

In order to comply with the Transparency Code for Smaller Authorities, the Clerk will arrange for the annual publication of the following documents no later than 1 July each year:

1. end of year accounts
2. annual governance statement
3. internal audit report
4. list of councillor or member responsibilities
5. Minutes, agendas and meeting papers of formal meetings.

The Parish Clerk is the Webmaster for the Parish Council website.

The Parish Clerk will ensure that the Parish Council email address is publicised.

### Social Media

The use of social media does not replace existing forms of communication, but is used to enhance communication with a wider range of the population.

A full social media policy has been adopted.

### Annual Parish Meeting

The Annual Parish Meeting is convened by the Chairman of the Parish Council and is generally held in May each year to provide parishioners with a summary of the activities of the Parish Council over the previous year and the opportunity to debate local issues and celebrate local events and activities.

### Related policies and procedures

Councillor Code of Conduct

Data Protection Policy

Document Retention and Disposal Policy

Freedom of Information Publication Scheme

Press and Media Policy

Recording of Meetings Policy

Social Media Policy

1. A pecuniary interest will be a “disclosable pecuniary interest” if:

   * it of a description specified in regulations (i.e. one specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464); and
   * it is an interest of:

   **either**

   * + the member or co-opted member;

   **or**

   * + the member’s or co-opted member’s spouse or civil partner; or
     + a person with whom the member or co-opted member is living as husband and wife; or
     + a person with whom the member or co-opted member is living as if they were civil partners;

   and the member or co-opted member is aware that that other person has the interest. (Section 30(3)) [↑](#footnote-ref-1)
2. Section 27(4) says that in this context a “co-opted member” means:

   “a person who is not a member of the relevant authority but who

   (a) is a member of any committee or sub-committee of the authority, or

   (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

   and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”. [↑](#footnote-ref-2)
3. Or a co-opted member - i.e. a councillor or a voting committee co-optee [↑](#footnote-ref-3)
4. Section 31(1), (2), section 32(3) [↑](#footnote-ref-4)
5. Section 31(3) [↑](#footnote-ref-5)
6. Section 31(4), section 33 [↑](#footnote-ref-6)
7. Section 31(10) [↑](#footnote-ref-7)
8. Or to a voting co-opted member (see Footnotes 2 and 3 above) [↑](#footnote-ref-8)
9. Section 33(1) [↑](#footnote-ref-9)
10. Section 33(2) [↑](#footnote-ref-10)
11. Section 33(3) [↑](#footnote-ref-11)