Minutes of the Finance, HR, Contractors and General Purposes Committee Meeting of Ockbrook and Borrowash Parish Council. Held at the Parish Hall, Ockbrook, on Wednesday 29th November 2023 at 1900.

## Present.

Councillors G Markwell (Chair), J Fraser-Burton and C Millward.

## Also, Present.

Councillor G Maskalick, S Kitchener (Clerk and RFO) and 2 members of public.

## 215/11/23 Noted Apologies for Absence.

Councillors S Fraser-Burton and T Stevenson (work commitment).

## 216/11/23 Approve the Minutes of the Previous Committee Meeting held on the 20th September 2023.

**RESOLVED** Proposed by Councillor G Markwell, seconded by Councillor J Fraser-Burton and all unanimously agreed that the minutes be approved as a true record and were signed by the Chair at the meeting.

## 217/11/23 Variation of Order of Business.

None.

## 218/11/23 Declarations of Members Interests.

None.

## 219/11/23 Committee Items for Discussion/Action/Update.

### Policy Review.

* Complaints Procedure see appendix 1– a discussion was held as to if complaints should be treated as confidential and all agreed that they should be.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor C Millward and all unanimously agreed to accept the policy once the Clerk made the changes.

* CCTV policy – see appendix 2 – amendment needed to the date for the Code of practice.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor C Millward and all unanimously agreed to accept the policy once the Clerk made the amendment.

* IT and Internet policy – see appendix 3 – It was agreed to add that Councillors must use their Councillor email address for Parish Council business.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor C Millward and all unanimously agreed to accept the policy once the Clerk made the amendment.

* Community Engagement Policy – see appendix 4 – it was agreed that social media platforms needed to be included.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor J Fraser-Burton and all unanimously agreed to accept the policy once the Clerk made the amendment.

* Vexatious complaints policy – see appendix 5.
* Car usage policy – see appendix 6.
* Press and media policy – see appendix 7.
* Lone worker policy – see appendix 8.
* Scheme of delegation – see appendix 9.
* Absence policy – see appendix 10.
* Councillor and staff training policy – see appendix 11.
* Model publication scheme – see appendix 12.
* Accessibility Statement – see appendix 13.
* Freedom of information and data protection policy – see appendix 14.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor J Fraser-Burton and all unanimously agreed to accept the policies.

* Notice Board and flag flying policy – see appendix 15 – amendments have been made regarding the different flags to be flown and the half-mast ruling.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor J Fraser-Burton and all unanimously agreed to accept the policies.

### Policy Adoption.

* Civility and respect policy – see appendix 16.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor C Millward and all unanimously agreed to accept the policy.

### Discuss and Agree on the Proposed Budget Figures to be Presented at Full Council in December.

Councilor G Markwell thanked the Clerk for producing the budget figures. A discussion was held on some of the cost centers. All agreed to include an extra £1,000 within burials for bench plinths.

**RESOLVED** proposed by Councillor G Markwell, seconded by Councillor J Fraser-Burton and all unanimously agreed to accept the proposed budget after the Clerk implemented the one change.

## 220/11/23 Date and Time of Next Meeting.

The next Finance, HR, Contractors and General Purposes committee meeting will be called on the 17th January 2024 if necessary.

There being no further business the meeting concluded at 20:10.

### **Appendix 1** - Complaints Procedure.

A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or, a person or body acting on behalf of the Council. Complaints can be both verbal and written.

A good complaints system is:

* easily accessible and easy to use;
* helpful and receptive;
* not adversarial;
* fair and objective;
* based on clear procedures and defined responsibilities;
* thorough, rigorous and consistent;
* decisive and capable of putting things right where necessary;
* sensitive to the special needs and circumstances of the complainant;
* adequately resourced;
* fully supported by Councillors and Officers;
* provides responses that are proportionate, one size does not fit all,
* timely and
* regularly analysed to spot patterns of complaint and lessons for service improvement.

Ockbrook and Borrowash Parish Council will not be able to deal with all complaints from members of the public under the Ockbrook and Borrowash Parish Council’s Complaints Procedure as it may not be appropriate. For example:

Complainants could consider engaging other procedures/bodies in respect of the following types of complaint:

* This procedure is not appropriate for use where a serious complaint is made against the conduct of an individual Councillor - direct the complainant to the Monitoring Officer at Erewash Borough Council to follow their procedure to make a Standards Board Complaint.
* Financial irregularity - direct the complainant to the Ockbrook and Borrowash Parish Council’s External Auditor under the Local elector’s statutory right to object under the Audit Commission Act 1998, the Accounts and Audit (England) Regulation 2011 and the Audit Commissions Code of Audit Practice. On other matters, Ockbrook and Borrowash Parish Council may need to consult their Internal auditor/External Auditor.
* Criminal activity - direct the complainant to the Police.

## Ockbrook and Borrowash Parish Council Complaints Procedure:

The purpose of the Ockbrook and Borrowash Parish Council Complaints Procedure is to put things right if things go wrong.

1. Firstly, the complainant should be asked to put their complaint in writing to the Clerk/Proper Officer outlining their concerns/complaint.
2. The Clerk/Proper Officer receiving the complaint should attempt to resolve the matter informally. If this is not possible because of the serious nature or complexity of the complaint, then the Clerk/Proper Officer should consult the Chair to Ockbrook and Borrowash Parish Council (or the Vice Chairperson in their absence).
3. The Clerk/Proper Officer shall:
   1. Acknowledge receipt of the complaint in writing within 10 working days.
   2. Confirm to the complainant if the complaint will be treated as confidential.
   3. Confirm the next steps in the complaints procedure.
4. The identity of a complainant will not be disclosed.
5. The written response on behalf of the Parish Council should include a full and frank response to the concerns raised by the complainant and an apology where appropriate.
6. The response should be made within 10 working days of receipt wherever possible. If the investigation requires more time or needs to go to a full Parish Council meeting for a decision to be made, then an initial response explaining the reason for a delay should be sent to the complainant within 10 working days outlining when a decision for the complaint should be concluded.
7. The Clerk/Proper Officer or Chair (or the Vice Chair in their absence) will represent the position of the Council. If the Clerk/Proper Officer, Chair (or the Vice Chair in their absence) puts forward justification for the action or procedure complained of, the Clerk/Proper Officer should only need to update the full Parish Council of the complaint received and the outcomes determined.
8. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

The following procedure is designed for those complaints which cannot be satisfied by less formal measures or initial explanations provided to the complainant by the Clerk/Proper Officer or the Chair (or the Vice Chair in their absence).

1. Firstly, the complainant should be asked to put their complaint in writing to the Clerk/Proper Officer outlining their concerns.
2. The Clerk/Proper Officer shall acknowledge receipt of the complaint within 10 working days and advise the complainant when the matter will be considered by way of a Full Parish Council Meeting.
3. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.

## At the Meeting – Confidential matters

* The Chair should introduce everyone and explain the procedure.
* The complainant (or representative) if appropriate, should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Chair or Vice Chair in their absence, ii) the Clerk/Proper Officer and then (ii), all other members of the Council if appropriate.
* The Chair and Clerk/Proper Officer will have an opportunity to explain the Council’s position and questions may be asked by (i) the complainant and (ii), members of the Parish Council.
* The Chair and or the Clerk/Proper Officer and then the complainant should be offered the opportunity to summarise their position.
* The complainant should be asked to leave the room while the Parish Council decide whether the grounds for the complaint have been made. If a point of clarification is necessary, the complainant shall be invited back.
* The complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.
* The decision should be confirmed in writing to the complainant within 20 working days together with details of any action to be taken.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

1. All formal complaints against Ockbrook and Borrowash Parish Council must be communicated in writing.
2. All complaints will be treated confidentially, Ockbrook and Borrowash Parish Council must comply with its obligations under the Data Protection Act 1998, to safeguard against unlawful disclosure of personal data.

## Receipt of a complaint:

1. The Clerk/Proper Officer or another nominated officer shall:
   1. Acknowledge receipt of the complaint in writing within 10 working days.
   2. Confirm to the complainant that the complaint will be treated as confidential.
   3. Confirm the next steps in the complaints procedure.

## Investigating the complaint:

1. Ockbrook and Borrowash Parish Council will need to investigate the facts of the complaint and collate the relevant evidence.
2. Ockbrook and Borrowash Parish Council’s Complaints Procedure permits the complainant to make verbal representation at a meeting if necessary with the Clerk/Proper Officer and the Chair to Ockbrook and Borrowash Parish Council (in the Chair’s absence this will be the Vice Chair to Ockbrook and Borrowash Parish Council).
3. Before the meeting and within 10 working days of the complaint, the complainant shall provide the Clerk/Proper Officer and the Chair to Ockbrook and Borrowash Parish Council with any new information or other evidence relevant to the complaint.

## Meetings with the Complainant:

1. The Chair to Ockbrook and Borrowash Parish Council (The Vice Chair in their absence) will explain how the meeting will proceed.
2. The Complainant will start by outlining the grounds for the complaint and, therefore questions may be asked by the Clerk/Proper Officer or Chair to Ockbrook and Borrowash Parish Council.
3. The Clerk/Proper Officer or Chair to Ockbrook and Borrowash Parish Council will have the opportunity to explain the Council’s position and questions may be asked by the complainant.
4. The Chair (the Vice Chair in their absence) will then offer the complainant the opportunity to summarise their position followed by the Chairpersons summary.
5. The complainant will then be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them. This will be dependent on the next available Parish Council Meeting and when the complaint can be discussed further.
6. Where a complaint is about the Clerk/Proper Officer or Chair to Ockbrook and Borrowash Parish Council, the complainant should in the first instance, still submit the complaint in writing to the Clerk/Proper Officer of Ockbrook and Borrowash Parish Council. The Clerk/Proper Officer will then refer the letter submitted to the Chair to Ockbrook and Borrowash Parish Council for consideration if it is about the Clerk/Proper Officer or, to the Vice Chair for consideration if it concerns the Chair.
7. Where a complaint is about any contractor for Ockbrook and Borrowash Parish Council, the complaint should, in the first instance, be submitted in writing to the Clerk/Proper Officer of Ockbrook and Borrowash Parish Council. Item 1), 2) 3), 4) & 5) above will be followed if the complainant requests a meeting.

## After the complaint has been decided:

1. Within 20 working days the Clerk/Proper Officer should write to the complainant with an update of the position and when the final decision will be made or,
2. Within 20 working days of holding the requested meeting the Clerk/Proper Officer should write to the complainant to confirm whether or not it has upheld the complaint. The Clerk/Proper Officer should give reasons for the decision made together with the details of any actions taken if appropriate.

The purpose of a complaint’s procedure is to put things right if things go wrong.

## Letters of complaint to be sent to:

The Clerk

Parish Hall

Church Street

Ockbrook

Derby

DE72 3SL

Email: clerk@ockbrookandborrowashparishcouncil.gov.uk

## Management of the Ockbrook and Borrowash Parish Council’s Complaints Procedure and Code of Practice

Ockbrook and Borrowash Parish Council is responsible for the adoption and maintenance of this Policy.

### **Appendix 2 -** Policy Document – CCTV

### Introduction

This policy controls the management, operation, use and confidentiality of the CCTV camera system in the Parish Hall, Ockbrook.

It has been prepared after taking due account of the Code of Practice published by the Information Commissioner (November 2021).

The installation will be operated, and data produced managed to achieve the stated purposes only.

This policy will be subject to periodic review by the Parish Council to ensure that it continues to reflect the public interest and that it and the system meets all legislative requirements.

The Parish Council accept the principles of the 988 Act based on the Data Protection Principles as follows:

* Data must be fairly and lawfully processed
* Processed for limited purposes and not in any manner incompatible with those purposes
* Adequate, relevant and not excessive
* Accurate
* Not kept for longer than is necessary
* Processed in accordance with individuals’ rights, and
* Secure.

### Statement of Purpose and Scope of Operation.

The primary purpose of the installed system is to deter and detect criminal activity and maintain public order within the Parish office.

The secondary purpose of the installation is to increase security by monitoring of activity within the building.

The third purpose is to help prevent incidents of assault or abuse to Parish Council staff and Councillors who may be present in the building.

The fourth purpose is to provide information, if requested, to the Police for use as evidence in criminal prosecution proceedings, where alleged criminal acts occurred within the building and in range of the CCTV system.

The Parish Council will ensure that anybody using the carpark or entering the office are made aware that they are in an area where a surveillance system is being operated. This will be achieved by using prominently placed signs at each entrance to the Parish Hall and reinforcing this with further signs inside the building.

These objectives will be achieved by:

* Collection and electronic storage of data, collected by cameras in the system, for a specific period of time ( a minimum of 28 days) after which period the data will be destroyed.
* Viewing of this recorded data, by authorised persons only to enable identification of persons within the range of any camera within the building.
* Provision of data, from recordings, on transferable medium (DVD) to the Police, if requested, for use as evidence in criminal proceedings, which such relates to activities within the Parish Hall cartilage.
* Limited monitoring, as required, of a designated area as and when requested by the Police.

### Statement of Principle.

### Fair and Lawful

* This CCTV system will be operated fairly within all applicable law, and for the purposes stated in this Code of Practice.
* Any intended use of the data for any other use can only be authorised by full Council or, where the intended use is for covert surveillance by the Police Force, written confirmation is needed from the Police that authorisation has been granted by the Parish Council Chair after consultation with full Council. Any such extension of its use must, after such authorisation, be written into this Code of Practice, which, as a Parish Council document is to be made available on request, in accordance with the requirements of the Freedom of Information Act 2000.

### Privacy of Individuals.

* The CCTV system is intended to view and monitor activity within the Parish Office and external areas, the area of coverage reflects this.
* If a decision is made to view or retrieve data recorded of any particular individual, groups of people or property then it must be for a justifiable cause, and this can only be conducted in accordance with all relative legislative requirements.
* Covert surveillance is NOT within the stated purpose of the installation.
* CCTV cameras will be positioned so as not to be able to read data on the desk of the Parish Clerk and Post Office Staff, to include data or information on their PC display screens.

### Access to Images.

Access to images is restricted to authorised persons only. Authorised persons include the Parish Clerk, the Chair of the Parish Council, the Police and one named Parish Councillor. With prior written consent of the Parish Council, images may be released to the media via the Police for the purpose of crime detection.

Images of areas under surveillance are not monitored continuously but are accessible as required by the Parish Clerk or by authorised persons as defined above.

Individuals have the right to request access to CCTV footage relating to themselves under the Data Protection Act. Any request from an individual to view their own recorded images must be made in writing as a ‘subject access request’ to the Parish Clerk who must confirm the identity of the applicant by means of a valid passport, driving license or similar Government produced identity document.

A standard fee for retrieving the images is payable, currently £10.00. The images will normally be provided within the 28-day timescale stipulated in the collection and storage of data rules above. The Parish Council will use appropriate image editing software to protect the identity of those persons shown in the images but not covered within the subject access request themselves.

The Parish Council reserve the rights to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an on-going investigation.

The Parish Clerk in conjunction with the Chair of the Parish Council or two or more other Councillors will decide whether to allow requests by third parties in accordance with the Parish Councils disclosure policy.

The viewing or recorded images must take place in a secure area to which only authorised persons will have access.

Viewing or removal of the medium by Ockbrook and Borrowash Parish Council on which images are recorded e.g., DVD or HDD for viewing purposes must be documented as follows:

* Name(s) of authorised person(s) viewing the images
* The date and time of the request
* The purpose of the viewing
* The date and time of viewing
* Action taken (if any) and
* The date and time the images were destroyed or returned to the system or secure place.

Police requests to view images and information relating to the viewing and copying of images at the request of the Police must be recorded as follows:

* The name (and rank if applicable) and address of the requester
* The date and time of the request
* The reason for the viewing
* The name(s) pf the person(s) viewing/copying the images
* The outcome, if any, of the viewing
* The date and time the images were returned to the Parish Clerk for destruction.

### Maintenance of the System.

The Clerk to the Parish Council keeps a maintenance log for the system.

A record is kept of the date and time, item number and description, fault/servicing description and confirmation of the date and time the engineer was called out and the date and time the fault was rectified.

The log may be used as a check that the cameras/recording equipment are properly maintained and serviced to ensure that clear images are recorded.

The Clerk to the Parish Council should check the monitor on opening the office to ensure that all cameras are operational. In the event that they are not, the Chair of the Parish Council should be informed as soon as possible.

### Access and Disclosure to Third Parties.

All requests should be recorded and the reasons for allowing or refusing the request should be documented.

Any viewing of a recording should not necessarily require the agreement of the Police. Any enquiry concerning the CCTV system must be actioned through at least two members of the Parish Council and may involve the Police.

Where viewing of a recording is granted a *viewing agreed form* should be competed. A record of the below must be kept.

* time and date of the viewing
* name and signature of the person authorising the viewing
* name and address of the person viewing the recording
* The reason for viewing
* Date and time of the recording to be viewed
* Outcome (if any) of the viewing.

Viewing should be undertaken with only designated persons having access to the equipment. As owners of the system the Parish Council reserves the rights to have a representative present to view the recording. Owing to the sensitive and confidential nature of some of the matters dealt with in the Parish Office this must be by arrangement with the Parish Council.

### **Appendix 3 -** IT and Internet Policy

The Council reserves the right to access and monitor any or all areas of any computer and computer software systems which it owns (including email boxes and messages and telephone calls) from time to time for business reasons and training purposes. You should not therefore assume that any information held on the computer is private and confidential to you.

### Email

All Councillors and the Clerk/RFO will be supplied with a .gov.uk email address and this must be used for all Parish Council business.

Your email address can receive emails from anyone connected to the Internet. Used correctly it is a facility that is of assistance to Employees. Inappropriate use however may cause many problems including distractions, distress to others, time wasting and legal claims. This policy sets out the Council's position on the correct use of the E-Mail and the Internet.

You should ensure that your correspondents know that they should not send you “humorous” or illegal attachments such as pictures or executable programs. Personal emails should be dealt with outside of normal office hours and all external non-work-related email messages should be deleted on receipt. Anyone found with offensive or pornographic material on his or her computer will be subject to investigation, which could result in disciplinary action and dismissal for gross misconduct.

If you receive an email from an unknown source, or “junk” email you should delete this from your system immediately without opening it as it may contain a virus.

Emails may contain file attachments. These should not be opened unless they are received from a trusted source, i.e. from another known Council, employee or representative.

Emails to customers, suppliers and other business contacts should be restricted to Council business. Confidential information about or relating to the business of the Council, its customers, suppliers or contacts should not be transmitted outside the Council via email unless done so in the course of business. You should ensure there is no infringement of copyright when adding attachments to emails. Confidential information should not be left on display on an unattended workstation.

You should be aware that deleted emails will remain held on the system for some time and will be accessible from back up if required for investigation of complaints of systems abuse.

You must not distribute sensitive commercial data concerning the Council to competitive sources. Doing so may result in disciplinary action leading to dismissal without notice for gross misconduct.

### Guidance for appropriate use

Email is a non-secure medium and care should be taken when composing, sending and storing messages. Email should be regarded in the same way as any other business communication and should be treated as a Council record. You should adopt a style and content for email, in particular those sent to external recipients that present a professional image. It is recommended that you adopt the same standards for email as for letters and memos, although the style may be more informal.

Confidential information about or relating to the business of the Council, its customers, prospects, suppliers or contacts should not be transmitted outside the Council via email unless done so in the course of business and sufficient steps are taken to safeguard security.

Employees must take reasonable steps to guard against unauthorised access to, alteration, accidental loss, disclosure or destruction of data.

### Inappropriate use

You must not send internally or externally or obtain material (whether in the form of text or images) which is libellous or defamatory, illegal, obscene, sexually explicit, bullying, discriminatory or disparaging of others particularly in respect of their race, national origins, sex, sexual orientation, age, disability, religious or political beliefs.

You are reminded that material that you find acceptable might be offensive to others. It is recommended that you take care and give sufficient thought to what you send. Messages can be misconstrued and should not become a substitute for "one to one" conversations. You should not send humorous material to business contacts. It can frequently be misunderstood or cause offence. In particular, the Council recommends that criticisms or complaints are not dealt with by email.

Examples of inappropriate use include, but are not limited to:

* Sending, receiving, downloading or displaying or disseminating material that insults causes offence or harasses others.
* Accessing pornographic, racist or other inappropriate or unlawful material.
* Engaging in on-line chat rooms, on-line gambling sites, social networking sites or blogging.
* Forwarding electronic chain letters or similar material.
* Downloading or disseminating copyright materials.
* Transmitting confidential information about the Council or its customers externally and not in the course of the Council’s business.
* Downloading or playing computer games.
* Copying or downloading software.

Serious instances of inappropriate use may be considered gross misconduct and lead to dismissal.

### Internet access

Internet access is granted for business reasons only during working hours. Usage is limited to work related activities. The availability and variety of information on the Internet has meant that it can be used to obtain material considered to be offensive. Anyone found to have used the Internet to access and/or distribute any kind of offensive material, or non-related employment issues, are liable to disciplinary action which could lead to dismissal.

Under no circumstances must users download files without the consent of the Council / Clerk.

If you wish to use the Internet out of office hours for personal purposes, please contact the Clerk of the Council who will be able to grant you access and explain how to use this facility, if appropriate.

Anyone believed to have been visiting pornographic sites, downloading or circulating pornographic material will be subject to disciplinary action. Offences of this nature may be considered gross misconduct and lead to dismissal, and if necessary, the police will be informed.

Please note that the main servers maintain a record of Internet access by user, and these will be monitored as necessary and results forwarded to the Council and the police, if appropriate.

### Unauthorised Use of Internet, Email and Social Networking Sites

* Unauthorised or inappropriate use of the Internet, Email and Social Networking Sites may result in formal disciplinary action which could include dismissal.
* The Council will not tolerate the use of E-Mail, Internet or any Social Networking Site by Employees for unofficial or inappropriate purposes, including: -
  + Any messages produced by Employees, either during or outside of normal working hours that could constitute bullying, harassment or other detriment to colleagues, our business or anyone associated with the business.
  + Personal use during working hours (e.g. social invitations, private messages, jokes, cartoons, chain letters or other private matters).
  + On-line gambling.
  + Accessing or transmitting pornography.
  + Transmitting copyright information and/or any software available to the user.
  + Posting confidential information about other Employees, the Council or its customers or suppliers.
  + Posting any comments, opinions, views or remarks, either during or outside of normal working hours, which could be considered detrimental to the Council, its Employees, customers, suppliers or anyone else connected to the business, or bring the Council into disrepute.

### Responsibilities

All Users are expected to act in a manner that will not cause damage to IT facilities or disrupt IT services. Any accidental damage or disruption must be reported to Management as soon as possible after the incident has occurred. Users are responsible for any IT activity which is initiated under their username.

### Good Practice

* The Council has good practice guidelines for dealing with email when staff are out of the office for longer than three days. When activating the "out of office" facility messages should name an alternative member of staff for correspondents to contact if necessary. This will ensure that any important messages are picked up and dealt with within required timescales.
* During periods of absence when highly important emails are anticipated, the Employee (or Manager) should plan for notification and access by another appropriate member of staff.
* Where sensitive and confidential information needs to be sent via email for practical reasons, please be aware that email is essentially a non-confidential means of communication. Emails can easily be forwarded or archived without the original sender’s knowledge. They may be read by persons other than those they are intended for.
* Users must exercise due care when writing emails to avoid being rude or unnecessarily terse. Emails sent from the Council may be interpreted by others as Council statements. Users are responsible for ensuring that their content and tone is appropriate. Emails often need to be as formal and business like as other forms of written correspondence.
* Users should delete all personal emails and attachments when they have been read and should also delete all unsolicited junk mail. In the process of archiving emails, users should ensure inappropriate material is not archived.
* The Council provides a current and up to date automatic virus checker on all networked computers. However, caution should be used when opening any attachments or emails from unknown senders. Users must best endeavour to ensure that any file downloaded from the internet is done so from a reliable source. It is a disciplinary offence to disable the virus checker.

**Please note, breaching these procedures will constitute an act of Gross Misconduct. Consequently, anyone who is accused of breaching these procedures will be subjected to a Formal Disciplinary Investigation and may be dismissed if found guilty.**

# **Appendix 4 -** Community Engagement Policy.

Ockbrook and Borrowash Parish Council intends to have meaningful engagement and collaboration with the community as part of its working practice.

## INTRODUCTION

Ockbrook and Borrowash Parish Council has developed this policy with the aim of constructing a standard for engagement with its residents and partners.

It recognises that the services it provides should aim to reflect the needs of its parishioners and the locality and that its residents should be involved in decisions affecting them and their neighbourhood and in shaping the future of their parish.

## AIMS

The Parish Council aims work proactively to strengthen and improve working relationships with our partners, statutory bodies, organisations, local business, voluntary groups and residents by:

* informing, consulting and involving
* being inclusive and engaging with all its residents and partners
* Through proactive networking and Parish Council representatives, encourage partners to approach the Parish Council with clear, well thought out constructive ideas which will benefit all sections of the community and on which there can be joint working
* ensuring views are listened to and used to develop, enhance and improve services, the environment and the quality of life for residents

## OBJECTIVES

To improve, plan and shape the future of the parish according to local needs and priorities

* To improve the quality and delivery of services
* To use engagement to inform decision making, ensuring decisions are fit for purpose and meet the needs of the parish
* To enhance the well-being of the parish
* Focus resources on what matters to our community
* Attain maximum benefit from management of the Council’s assets
* Have good financial control through legal procedures and quality auditing to ensure that resources are spent on the needs of the community

## HOW THIS WILL BE ACHIEIVED

Community engagement will be achieved by communicating, consulting, supporting and working together with its residents.

### Communication

**The Parish Council website and Social Media Platforms**have a wealth of local information and is continually updated.  All agendas are advertised as required under the Local Government Act 1972, including on the website, and minutes of meetings are included on the website within a calendar month of the meeting.

**Meetings** of the Council and its Committees are open to the public and include an opportunity for members of the parish to engage with councillors.  Parish Council meetings include a time for public participation at the start of the meeting, but Committees do not.

**The Parish Clerk** can be contacted by telephone during the Clerks hours of work or via email or via the contact us option on the website

Consultation

The Council will consult parishioners on important issues and will aim to ensure those most affected are able to put forward an opinion and given an opportunity to make a difference. It will aim to ensure that consultations include all members of the parish by identifying the hard to reach groups such as youths, the elderly, the housebound, the disabled, ethnic minorities etc. that may require establishing different engagement channels for them.

Support

* The Council will aim to support local organisations and engage with them to assist them in meeting their own aims and objectives.
* The Council will aim to support local projects and participate in local events to raise awareness of the Council and its aims and objectives.
* The Council will aim to support members of the parish in shaping the future of their parish and enable the bringing about of a more cohesive community.

### Working Together

* Working with residents and partners in finding solutions to local problems will ensure that they will be accepted and fit for purpose.
* Working with residents to carry out agreed action plans, will engage the community in working with the Council to enhance the environments and the quality of their lives.
* Working together in decision making and policy drafting will ensure they have a voice and can make a difference.

## ROLE OF THE COUNCILLORS.

Ockbrook and Borrowash Parish Council members and officers will engage with the community through partnership working, especially with statutory bodies/organisations, local business and voluntary groups. Parish Councillors may also sit as observers on local organisations on invitation.

### **Appendix 5 -** Vexatious Complaints Policy

A policy for dealing with abusive, persistent or vexatious complaints and complainants

### Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious. The following clauses form the Council policy for ways of responding to these situations.

In this policy the term habitual means ‘done repeatedly or as a habit.’ The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.’ This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of recourses in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

### Habitual or Vexatious Complainants

For the purpose of this policy the following definitions of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of: (1) unreasonable complaints and/or unrealistic outcomes; and/or (2) reasonable complaints in an unreasonable manner.

Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Parish Council shall consider the item in private session and resolve by a simple majority vote to declare a case of habitual and/or vexatious complaint exist and for an appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

The Parish Clerk on behalf of the Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. District/ County /Unitary Councillors for Ockbrook and Borrowash Parish Council will also be informed that a constituent has been designated as an habitual or vexatious complainant.

The status of the complainant will be kept under review for a minimum period of one year. After which the status can be withdrawn or not by the Parish Council by considering the item in private session and resolved by a simple majority vote. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

### Criteria for Determining Habitual or Vexatious Complainants/Contacts.

Complainants/contacts (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria. Where complainants/contacts:

* Persist in pursuing a complaint where the Councils complaints process has been fully and properly implemented and exhausted.
* Persistently change the substance of a complaint/enquiry or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complain/enquiry is being addressed. (care must be taken, however, not to disregard new issues which are significantly different from the original complaint/enquiry as they need to be addressed as separate complaints/enquiries).
* Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate reason in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
* Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Parish Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Parish Council to investigate.
* Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is, can be subjective and careful judgement will be used in applying this criteria.
* Have threatened to/or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. The Parish Council has determined that any complainant/contact that threatens or uses actual physical violence towards employees will be regarded as a vexatious complaint.
* Have, in the course of addressing a registered complaint/enquiry, had an excessive number of contacts with the Parish Council – placing unreasonable demands on employees. A contact may be in person, be telephone or email. Judgement will be used to determine excessive contact taking onto account the specific circumstances of each individual case.
* Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint/enquiry. Employees recognise that complainants/contacts may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants/contacts may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
* Are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
* Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes telephone calls or emails)
* Make unreasonable complaints/enquiries which impose a significant burden on the human resources of the Parish Council and where the complaint/enquiry:
  + Clearly does not have any serious purpose or value; or
  + Is designed to cause disruption or annoyance; or
  + Has the effect of harassing the Public Authority; or
  + Can otherwise fairly be characterised as possessive or manifestly unreasonable.
* Make repetitive complaints, enquiries and allegations which ignore the replies which Parish Council Officers have supplied in previous correspondence.
* Having by continuous, persistent and repetitive contact with a single employee, be classes as harassing, victimising, bullying or causing mental anguish to that employee to a point that their work for the Parish Council is impaired.

### Options for Dealing with Habitual or Vexatious Complainants/Contacts.

The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

In the first instance the Clerk will consult with the Chair of the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in consultation with the Chair of the Council and inform the complainant in writing of what procedures have been put in place and for what period.

Any restriction that is imposed on the complainant’s contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

* banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
* banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
* requiring contact to take place with one named member of staff only
* restricting telephone calls to specified days and/or times and/or duration
* requiring any personal contact to take place in the presence of an appropriate witness
* letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).

When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

* why the decision has been taken
* what action has been taken
* the duration of that action.

The Clerk will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chair of the Council may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

### Record Keeping

The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

* the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant
* when the restrictions came into force and ends
* what the restrictions are
* when the person and Council were advised.

Full Council be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

### **Appendix 6 -** Car Usage Policy

**Any employee or Parish Councillor will be eligible to claim mileage expenses for use of their private vehicle whilst on Parish Council business (subject to holding valid Car Insurance, and a full driving licence)**

**Private Car Usage Suitability** Any vehicle used should be fit for the purpose it is being used for, for example, towing or delivering items.

**Mileage** rates will be subject to change in accordance with the government guidelines.

table showing the breakdown of the rates per business mile.


During the period when a car is off the road for repairs, reimbursement in respect of travel by other forms of transport should be made by the Council.

**Maintenance:** please ensure that the car is kept in good condition. This includes keeping it clean and ensuring that the tyre pressure, lights, oil, water etc. are up to the required standard. Employees should not use their cars on Council business in an un-roadworthy condition and should undertake to service their car on a regular basis in accordance with the car’s servicing requirements.

**Insurance**: Employees must ensure that any vehicle which is used on Council business is adequately insured for personal business usage. Employees will be required to produce evidence of insurance every year, so that the council can double check they are still adequately insured, along with a copy of their driving licence.

**Offences**: If an employee is prosecuted or convicted for a driving offence which results in a period of disqualification, they must inform the Council immediately. The Council will consider the impact on the employee’s job role to determine if this affects their employment status.

**Driving with a Mobile telephone**: It is an offence to use hand-held mobile telephones whilst driving. A driver will be liable for prosecution if they are holding a mobile telephone and any other type of hand-held device to send or receive any sort of data, be it voice, text or pictorial image. An employee is regarded as driving if they are in charge of a vehicle with its engine running on a public road, even if the vehicle is stationary. Therefore the Council strictly forbids employees using hand-held mobile telephones whilst driving. A mobile telephone may only be used with a hands-free device, in which case the call should be kept to the shortest possible time and only to effect essential communications. Where employees need to operate the mobile phone or need to deal with a call through a caller’s hands-free device for longer than receiving or giving a short communication, before doing so the Council expect the employee to stop and park the car where it is safe and lawful to do so and with the engine switched off. Whilst driving, employees should not use the message facility on the mobile phone, or if available through such a phone, an image facility or internet access.

A breach of the Council’s rule on the use of a mobile phone whilst driving will render the employee liable to action under the Disciplinary and Dismissal Procedure up to and including dismissal dependent on the circumstances.

**Inspection of Documents**: Employees and Parish Councillors who claim Mileage Rates are to produce the following original documents at the request of the Council, on an annual basis, or at the specific demand of the Clerk if applicable:

* Current MOT certificate,
* Current car insurance, showing the employee / Councillor is covered for personal business use;
* Current driving licence.

### **Appendix 7 -** Press & Media Policy

### INTRODUCTION

1.1 The purpose of this policy is to define the roles and responsibilities within the Council for working with the media and deals with the day‐to‐day relationship between the Council and the media.

1.2 It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise when dealing with the media.

### KEY AIMS

2.1 The Council is accountable to the local community for its actions, and this can only be achieved through effective two‐way communications. All mediums for communication are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.

2.2 It is important that the press have access to the Clerk/ Members and to background information to assist them in giving accurate information to the public. To balance this, the Council will defend itself from any unfounded criticism and will ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

### THE LEGAL FRAMEWORK

3.1 The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the governments Code of Recommended Practice on Local Authority Publicity.

3.2 The Parish Council’s adopted Standing Orders should be adhered to.

### CONTACT WITH THE MEDIA

4.1 The Clerk and Members should always have due regard for the long‐term reputation of the Council in all their dealings with the media.

4.2 Confidential documents, exempt Minutes, reports, papers and private correspondence should not be leaked to the media. If such leaks do occur, an investigation will take place to establish who was responsible and appropriate action taken.

4.3 When the media wish to discuss an issue that is, or is likely to be, subject to legal proceedings then advice should be taken from the Council’s solicitor before any response is made.

4.4 There are a number of personal privacy issues for the Clerk and Members that must be handled carefully and sensitively. These include the release of personal information, such as home address and telephone number (although Member contact details are in the public domain); disciplinary procedures and long‐term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Clerk before any response is made to the media.

4.5 All formal requests for comment regarding Ockbrook and Borrowash Parish Council on any matter should be directed to the Clerk in the first instance. If unavailable, the Chair should be contacted.

4.6 When responding to approaches from the media, the Clerk or Chair are authorised to contact the media. All responses to the press should be drafted by the Chair with the assistance of the Clerk for accuracy.

4.7 Responses drafted on any matter may however be directed to another councillor with the assistance of the Clerk and other for accuracy and lawfulness. In this instance, the Chairperson should be made fully aware of the response and agree to its contents.

4.8 Statements made by the Chair and the Clerk should reflect the Council’s opinion. If council does not have an official position on the matter raised, this should be stated as the current position.

4.9 Other Councillors can communicate with the media but must ensure that it is clear that the opinions given were their own and not those of the Council. Councillors are at liberty to communicate with the press in their own right as representatives of their wards. However, they must always maintain that they speak as individuals and not on behalf of council and adherence to the Code of Conduct.

4.10 There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. Such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks. All correspondence must come from the Clerk.

### ATTENDANCE OF MEDIA AT COUNCIL MEETINGS

5.1 The Local Government Act 1972 requires that agendas, reports and minutes are sent to the media on request.

5.2 The media are encouraged to attend Council meetings and seating and workspace will be made available.

5.3 On 6 August 2014, the 1960 Act was amended by the Openness of Local Government Bodies Regulations 2014 (“the 2014 Regulations”). The amended 1960 Act provides that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees but otherwise may:

1. film, photograph or make an audio recording of a meeting;
2. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
3. report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

### PRESS RELEASES

6.1 The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council’s position on an issue. It is the responsibility of the Clerk and Members to look for opportunities where the issuing of a press release may be beneficial.

6.2 The Clerk or any Member may draft a press release, however they must all be issued by the Clerk in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.

### **Appendix 8** - Lone Worker Policy

### Introduction

The aim of this policy is to ensure, so far as is reasonably practicable, that employees and others who work alone are not exposed to risks to their health and safety and to outline the steps to reduce and improve personal safety for staff who work alone. This policy also aims to raise awareness of safety issues relating to lone working.

### Legal Requirements

The Health and Safety at Work Act 1974 states that employers have to ensure the health, safety and welfare of their employees, and that self-employed persons have to ensure that they are not exposed to risks to their health and safety. In both cases so far is reasonably practicable. The management of Health and Safety at Work Regulations 1999 places a duty on employer’s activities, and to reduce those risks as far is reasonably practicable.

### Definition of a Lone Worker

A lone worker is anyone who works in isolation from colleagues without close or direct supervision – for example

* Councilors on council business
* Employees visiting sites for inspection or other work.
* Independent contractor maintaining the Council’s assets.
* Working in the Parish Office (alone)

### Risks

The primary risks are:

* Workplace safety
* Security – personal
* Equipment – manual operation and safety
* Illness

### Guidance

Lone workers, whether employed by Ockbrook and Borrowash Parish Council or not, should take reasonable care not to put themselves at undue risk by evaluating each situation and taking appropriate steps, for example:

* It is recommended that the Parish Office door should remain locked when working alone and only opened when the visitor has identified themselves.
* Confrontation should be avoided whenever possible including withdrawing from the situation.
* A mobile phone should be carried at all times.
* All visits and appointments should be made with another Councillor wherever possible.
* Notes should be left / emailed advising of whereabouts.
* Councillors and staff will be provided with identification.

Should an incident occur, it is the responsibility of the person affected to notify the clerk or chair as soon as possible, first by phone followed by a written report.

**Summary**

Lone working environments present a unique health and safety issue. Ockbrook and Borrowash Parish Council recognises and accepts its responsibility as an employer for providing safe and healthy working conditions for all its employees. Employees and contractors are reminded, however, that they have to care for their own safety and that of other workers (and other persons who may be affected by their activities)

### **Appendix 9 -** Scheme of Delegation.

### The Clerk / RFO

The Clerk to the Council shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Parish Council’s accounting procedures, in accordance with the Accounts and Audit Regulations in force at any given time.

The Clerk to the Council shall be the Proper Officer of the Council and as such is specifically authorised to:

* Receive declarations of acceptance of office
* Receive and record members’ interest.
* Receive and grant dispensations according to the Council’s Code of Conduct; details of all dispensations received and granted to be reported to the Council at the next available meeting.
* Receive and retain plans and documents.
* Sign notices or other documents on behalf of the Council
* Receive copies of byelaws made by a primary local authority.
* Certify copies of byelaws made by the Council.
* Sign summons to attend meetings of the Council.
* To institute and appear in any legal proceedings authorised by the Council

In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

* Day to day administration of services together with routine inspection and control
* Day-to-day supervision and control of all staff and contractors employed by the Council.
* Implement national pay awards and conditions of service in line with the National Joint Council Scheme of Conditions of Service as amended by Local Agreement
* Authorisation to call any extra-ordinary meetings of the Council or any Committee as necessary, having consulted with the Chair of the Council, and/or the Chair of the appropriate Committee.
* Authorisation to respond immediately to any correspondence requiring or requesting information or relating to previous decisions of the Council, but not correspondence requiring an opinion to be taken by the Council or its Committees.
* Authorisation of routine recurring expenditure within the agreed budget according to the Council’s financial regulations
* Emergency expenditure up to £500 outside of the agreed budget according to financial regulations
* To act as the Council’s designated officer for the purposes of the Freedom of Information Act 2000
* To act as the Councils responsible person for Legionella prevention
* Delegated actions of the Clerk to the Council shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and in line with directions given by the Council from time to time.

The Openness of Local Government Bodies Regulations 2014 (2014 SI No. 2095), which came into force on 6 August 2014, require a written record to be kept of certain decisions made by an officer of a parish council acting under delegated powers. The decisions are those:

* made under a ‘specific express authorisation’, or
* made under a general authorisation where the effect of the decision is to;
* grant a permission or license,
* affect the rights of an individual, or
* award a contract or incur expenditure which, in either case, significantly affects the financial position of the Parish Council.

This Policy follows the scope of this provision as detailed in the guidance issued by the Department of Communities & Local Government ‘Plain English’ guide to the Regulations. The relevant guidance for parish councils is as follows:

* 1. ‘Officers take many administrative and operational decisions on how they go about their day-to-day work within the council’s rules. These decisions will not need to be recorded.
  2. You will not be able to inspect some recorded decisions if the whole or part of the records contain confidential information or any other information where publicity would be prejudicial to the public interest.

Examples of decisions that should be recorded could include:

* decisions about awarding contracts
* Where decisions are already required to be published by other legislation, they do not need to be recorded again provided the record published has the date the decision was taken and the reasons for the decision.
* Decisions that do not need to be recorded might include the following examples:
  + decisions to allocate burial plots.
  + routing administrative and organisational decisions such as the purchase of office supplies or repairs.
  + decisions to book rooms or sports grounds; and decisions to approve works undertaken by a contractor.

These are a few selected examples and not an exhaustive list. It is for the council to decide what information should be recorded on the basis of the national rules.’

The Clerk currently has authority to incur expenditure up to £500 under financial regulations. The Parish Council does not consider that such expenditure is likely to significantly affect the financial position of the Parish Council. Expenditure in excess of these limits must be authorised by a committee or by the Full Council and the decision will be recorded in the minutes.

### The Council

The full Council can make all decisions, or it may appoint one or more committees or sub committees for the purpose of discharging its functions. It may also delegate some of its functions to the officer(s) of the Parish Council.

It is important that Regulations (Financial, Standing Orders and Schemes of Delegation in addition to Acts of Parliament that cover Parish Councils Activities), are complied with at all times.

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council’s consideration:

* Setting the Precept
* Borrowing money
* Approval of the Council’s Annual Accounts and completion of the Annual Return
* Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
* Making, amending or revoking byelaws
* Making of Orders under any statutory powers
* Matters of principle or policy
* Nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings)
* Any proposed new undertakings
* Prosecution or defense in a court of law
* Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
* All other matters which must by law be reserved to the full Council.

Other than the Parish Council Chair or in this absence the Vice Chair in conjunction with the Parish Clerk, and then only in line with the Financial Regulations, no other Councillor or Committee Chair can make decisions on behalf of the Parish Council or make decisions or commit to Council expenditure.

**The Parish Council delegates the following duties/powers through its Financial Regulations;**

### Budgetary control and authority to spend.

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

* the council for all items over £3,000
* a duly delegated committee of the council for items over £1000; or
* the Clerk, in conjunction with Chair of Council or Chair of the appropriate committee, for any items below £1000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chair.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk’s judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chair as soon as possible and to the council as soon as practicable thereafter.

### Banking arrangements and authorisation of payments.

The Clerk / RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

* If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council (or finance committee);
* An expenditure item authorised under continuing contracts and obligations provided that a list of such payments shall be submitted to the next appropriate meeting of council or
* fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

### Instructions for making payments.

Following authorisation under the Financial Regulations, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.

All payments shall be affected by cheque / online banking or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee.

### Contracts.

Procedures as to contracts are laid down as follows:

* Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items below:
* for additional audit work of the external auditor up to an estimated value of £150 (more than this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council)

### Committees and sub-committees

* Committees make decisions only after publishing an agenda and holding a meeting open to the public, which is then minuted. It is essential that the rules and regulations are complied with to avoid difficulties in the future.
* It is the Committee and not the Committee Chair that make the decisions to take matters forward to full Council for approval.
* Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
* The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
* Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
* The council may appoint standing committees or other committees as may be necessary, and:
* shall determine their terms of reference;
* shall permit a committee to determine the number and time of its meetings;
* shall, subject to standing orders above, appoint and determine the terms of office of members of such a committee;
* shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
* may dissolve a committee.

### Code of conduct complaints.

Upon notification by the Borough that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council’s code of conduct, the Proper Officer shall, subject to standing orders, report this to the council.

Where the notification in standing orders relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of the Council of this fact, and the Chairman shall nominate a person to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order below.

The council may:

* provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
* seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

Upon notification by the Borough that a councillor or non-councillor with voting rights has breached the council’s code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

### Urgent matters:

In the event of any matter arising which requires an urgent decision the Clerk to the Council shall forthwith consult with the Chairman and Vice-Chairman of the Council, and the appropriate portfolio holder if the matter involves expenditure not provided for in the annual budget, and not covered by Finance Regulations before acting on behalf of the Council in respect of the particular matter under consideration.

Before the Clerk exercises the delegated powers above, those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the Council or of the appropriate committee and where a meeting is so summoned the committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.

Before exercising the delegated power, the Committee concerned shall consider whether the matter is of sufficient import to justify recommending to the Chair of the Council that a Special Meeting of the Council should be called in accordance with Standing Order 18(c).

Whenever any action is taken in this way, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next appropriate meeting of the Council.

### Committees.

The following Committees shall be standing committees of the Council and shall consist of such members as the Council shall from time to time determine:

* Allotment Committee
* Recreation Committee
* Finance, HR, Contractors and General Purposes Committee
* Planning and Environment Committee
* Cemeteries Committee
* Halls Committee

### Sub Committees.

The council does not currently appoint sub-committees but may do so if the committee believes it would be expedient to do so under Standing Order 4(a). Any powers delegated to a sub-committee shall be detailed at the time the sub-committee is formed by means of a minute detailing the sub-committee’s terms of reference, but such delegated powers must be agreed by the council.

### Working groups.

Working groups may be formed by resolution of the Council or committee at any time. The work of such a working group shall be formed by means of a minute detailing the working group’s terms of reference at full council meeting. Any existing working groups will be minuted at the AGM with the members, if working groups are no longer required, they will be minuted as disbanded.

Where working groups are established, they will be convened by their lead member and maintain their own notes which shall be reported in full to the main Committee. They are advisory bodies only with no delegated decision-making powers. Officer(s) will attend by invitation only as ad hoc advisor(s).

### Delegation – Limitations.

Committees and sub-committees shall, at all times, act in accordance with the Council’s Standing Orders, Financial Regulations, the committee’s Terms of Reference, this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, bye-laws or orders made and with any directions given by the Council from time to time.

### **Appendix 10 - Absence Policy.**

1. Sickness absence

Ockbrook and Borrowash Parish Council operates a scheme that provides for varying periods of sickness absence on full pay, followed by half pay, according to the length of recognised Local Government Service. The scheme is detailed in the Parish Clerk’s contract of employment.

‘Sickness’ is defined as incapacity to carry out the duties and responsibilities which the employee is contractually obliged to do because of their own accident or illness. This policy therefore applies to absence caused by personal illness or accident.

The employee must ensure that the Chair or vice-Chair is contacted as soon as possible when an absence occurs. The reason for absence must be given together with an indication of a likely return date. The employee should keep in regular contact with the Chair or vice-Chair during the period of absence so that any necessary action can be taken.

In the event of an accident at work the Chair or vice-Chair should be notified as soon as possible so that any necessary follow-up action can be taken.

When sick leave coincides with booked annual leave it will normally count as sick leave.

2. Compassionate leave

Employees may be granted, at the discretion of the Chair or vice-Chair, a maximum of 7 days paid leave and a maximum of 20 days unpaid leave in any one period of 12 months compassionate leave in the following circumstances:

* The death of a near relative
* The serious illness of a near relative
* Any acute domestic distress, subject to agreement that the circumstances justify the absence.

**Note –** near relative means – spouse/partner, child, parent, grandparent, brother or sister, or parent-in-law of the employee.

### **Appendix 11 - Councillor/Staff Training and Development Policy.**

This Staff and Councillor Training Policy outlines the training and development (or continuous professional development) that staff and Councillors can expect to receive.

Engaging in learning, training and development is essential in gaining experience and enabling both staff and Councillors to understand their role and contribute fully to the democratic process.

Training will be given on a first come first served basis, providing it is relevant and the costs can be met from within the available training budget. This is set annually and the current expenditure is reported through the monthly financial reports.

**Councillors.**

Many of the recommended training courses are run by the Derbyshire Association of Local Councils (DALC). Ockbrook and Borrowash Parish Council will pay for any training involved/required.

The following training is required for new Councillors:

* Essential Councillor Training – This must be completed within 6 months of attaining office.
* Any Councillor training, such as provided by DALC.

Further development:

* Chair Training
* Refresher courses for all councillors where appropriate.

Any training or educational opportunities will be notified to Councillors by email or via the DALC circular from the Parish Clerk. If you wish to attend a certain training course you must let the Clerk know as soon as possible for a place to be booked. If you are booked onto training that the Council are paying for, you must make sure that you attend that training.

Councillors that attend training sessions are expected to brief the Clerk/Council on the effectiveness of the training given and specifically bring to the Clerk’s attention any new legislation changes covered by the training course.  This will help ensure the Clerk remains current on changes and can instruct Councillors accordingly.

**Staff.**

To ensure that Ockbrook and Borrowash Parish Council can deliver the appropriate services to the community it is essential that all employees are fully trained to perform their roles to the highest level. The responsibility for growth and development is shared between employees and the Council. Ockbrook and Borrowash Parish Council will support employees to develop the skills and experience needed for their roles, working with employees to develop their abilities; identifying time and budgets to enable this to happen.

Employees who wish to be nominated for a training course should discuss this in their appraisal. The Clerk will undertake an annual appraisal with employees and the Clerk’s appraisal will be undertaken by the Chair, or in the absence, the Vice-chair. Appraisals are used to review the past year’s performance, plan for the coming year and identify any training or development needs. Training must be relevant to Ockbrook and Borrowash Parish Councils needs and/or service delivery and each request will be considered on an individual basis.

For approved courses employees can expect the following to be paid:

* The course fees.
* Examination fees.
* Associated member fees.
* Travelling expenses.
* Payment for the time on the course.

Records of all training undertaken by employees will be kept in the personnel file of each member of staff.

**Ockbrook and Borrowash Record of Continuous Development**

Name:

Position:

Covering the period from:

To:

|  |  |  |  |
| --- | --- | --- | --- |
| **What did you do?** | **What did you learn from this?** | **How Have/ will you use this? How will OBPC change or improve** | **Points allocated** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Continuous Development Points.**

All Clerks whose Councils seek a Local Council Award, are required to demonstrate that they have achieved at least 12 CPD points in the 12 months immediately preceding the Councils application for an award. For this there are some types of activity that carry a minimum point allowance per year. Plus, at least three points must come from a qualification, in-house assessment or training course.

The grid below can help you assess how many points you have achieved and clearly illustrates this to the accreditation panel for a Local Council Award.

|  |  |  |
| --- | --- | --- |
|  | **Maximum Points** | **Points Achieved** |
| Qualifications | 12 |  |
| In-house assessments | 12 |  |
| Learning at work | 6 |  |
| Attendance at conference and training events | 12 |  |
| Reading and e-learning | 6 |  |
| Developing the sector | 4 |  |
|  | **Total CPD points** |  |
|  |  |  |
| At least 3 points have come from a qualification or a training event |  | Yes/no |

### **Appendix 12 -Model Publication Scheme.**

The Freedom of Information Act 2000 requires public authorities, which includes Parish Councils in England and Wales to adopt and maintain a publication scheme. The information available from Ockbrook and Borrowash Parish Council is published in accordance with the Information Commissioners Office model publication scheme.

|  |  |  |
| --- | --- | --- |
| **Information to be published** | **How the information can be obtained** | **Cost per hard copy – contact the Clerk/photocopy** |
| **Class 1 – Who are we and What we do.**  (organisational information, structures, locations and contacts) | Via the Parish Council Website:  [www.ockbrookandborrowashparishcouncil.gov.uk](http://www.ockbrookandborrowashparishcouncil.gov.uk) |  |
| Who is who on the Council and its Committees | Via the Parish Council Website | As per schedule of charged below |
| Contact details for Parish Clerk | Mrs Sarah Kitchener  The Parish Hall  Church Street  Ockbrook  Derby  DE72 3SL  [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk) |  |
| Staffing structure | We employ the following:  Clerk/Responsible Finance Officer  Litter Picker |  |
| **Class 2 – What we spend and how we spend it.**  (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit). | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Annual return form and report by auditor | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Finalised budget | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Precept | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Borrowing approval letter | Hard copy – contact the Clerk. | As per schedule of charges below |
| Financial Standing Orders and Regulations | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Grants given and received | Hard copy – contact the Clerk. | As per schedule of charges below |
| List of current contracts awarded and value of contract | Hard copy – contact the Clerk. | As per schedule of charges below |
| Members allowances and expenses | Hard copy – contact the Clerk | As per schedule of charges below |
|  |  |  |
| **Class 3 – What our priorities are and how we are doing.**  (Strategies and plans, performance indicators, audits, inspections and reviews) |  |  |
| Parish Plan (current and previous year as a minimum) | Not applicable |  |
| Annual report to Parish or community meeting (current and previous year as a minimum) | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Quality status | Not applicable |  |
| Local charters drawn up in accordance with DCLG guidelines | Not applicable |  |
|  |  |  |
| **Class 4 – How we make decisions.**  (Decision making processes and records of decisions)  Current and previous year as a minimum | Ockbrook and Borrowash Parish Council make decisions at our Parish meetings.  Current month agendas are published on the village notice boards and our Website holds all current and past records of minutes.  Hard copy- contact the Clerk. | As per schedule of charges below |
| Timetable of meetings (Council and any committee/sub-committee meetings and Parish meetings) | Hard copy – contact the Clerk.  Village notice boards and Parish Council Website. | As per schedule of charges below |
| Agenda of meetings (as above) | Hard copy – contact the Clerk.  Village notice boards (current month) and Parish Council Website. | As per schedule of charges below |
| Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting. | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Reports presented to Council meetings – n.b. this will exclude information that is properly regarded as private to the meeting. | Hard copy – contact the Clerk.  Visit Parish Council Website (via minutes) | As per schedule of charges below |
| Responses to consultation papers | Hard copy – contact the Clerk. | As per schedule of charges below |
| Responses to planning applications | Hard copy – contact the Clerk.  Visit Parish Council Website (via minutes) | As per schedule of charges below |
| Byelaws | Hard copy – contact the Clerk. | As per schedule of charges below |
|  |  |  |
| **Class 5 – Our policies and procedures**  (current written protocols, policies and procedures for delivering our services and responsibilities)  Current information only | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Policies and procedures for the conduct of Council business.  Procedural Standing Orders  Committee and sub-committee terms of reference  Delegated authority in respect of officers  Code of Conduct  Policy statements | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Policies and procedures for the provisions of services and about the employment of staff.  Internal instructions to staff and policies relating to the delivery of services.  Equality and diversity policy  Health and safety policy  Recruitment policy (including current vacancies)  Policies and procedures for handling request for information.  Complaints procedure (including those covering requests for information and operating the publication scheme) | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Information security policy | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Records management policies (records retention, destruction and archive) | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Data protection policies | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Schedule of charges (for publication of information) | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
|  |  |  |
| **Class 6 – Lists and Registers**  Currently maintained lists and registers only |  |  |
| Any publicly available register or list (if any are held this should be publicised: in most circumstances, existing access provisions will suffice)  Acceptance of Office | Inspection – contact the Clerk | As per schedule of charges below |
| Assets register | Hard copy – contact the Clerk.  Visit Parish Council Website (via minutes) | As per schedule of charges below |
| Disclosure log (indicating the information that has been provided in response to requests) | Hard copy – contact the Clerk. | As per schedule of charges below |
| Register on members’ interest | Hard copy – contact the Clerk. | As per schedule of charges below |
| Register of gifts and hospitality | No gifts received |  |
| **Class 7 – The services we offer.**  Allotments | Hard copy – contact the Clerk. | As per schedule of charges below |
| Burial grounds and closed churchyards | Hard copy – contact the Clerk. | As per schedule of charges below |
| Ockbrook and Borrowash Parish Hall | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |
| Parks, playing fields and recreational facilities | Hard copy – contact the Clerk. | As per schedule of charges below |
| Seating, litter bins, clocks, memorials and lighting | Hard copy – contact the Clerk. | As per schedule of charges below |
| Bus shelter | Hard copy – contact the Clerk. | As per schedule of charges below |
| Markets | Not applicable |  |
| Public conveniences | Not applicable |  |
| Agency agreements | Not applicable |  |
| Service for which the Council is entitled to recover a fee, together with those fees (e.g. burial fees) | Hard copy – contact the Clerk.  Visit Parish Council Website | As per schedule of charges below |

**Contact Details**

Mrs Sarah Kitchener

Clerk and RFO to Ockbrook and Borrowash Parish Council

The Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Tel office number: 01332 664100 Office mobile number: 07860 702904

Email: [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk)

**Schedule of Charges.**

|  |  |  |
| --- | --- | --- |
| **Type of Charges** | **Description** | **Basis of Charge** |
| **Disbursement cost** | Photocopying @ 10p per sheet (black and white) | Actual cost incurred |
|  | Printing @ 10p per sheet (black and white) | Actual cost incurred |
|  | Printing @ 15p per sheet (colour) | Actual cost incurred |
|  | Postage | Actual cost of Royal Mail standard 2nd class |
|  |  |  |
| **Statutory fee** | Nonapplicable, unless a search is required, then the actual statuary fee will be charged, plus any photocopying required. |  |
|  |  |  |
| **Burial Fees** | Ockbrook and Borrowash resident fee | Ockbrook and Borrowash non-resident fee |
| Grant and Exclusive Rights (plot can be reserved) Adult | £550 | £1,760 |
| Grant and Exclusive Rights (plot can be reserved) Child | £275 | £275 |
| Grant and Exclusive Rights (plot can be reserved) Cremation | £198 | £550 |
| For an infant’s interment (under 12 years) | Free | Free |
| For all other interments | £198 | £198 |
| For an infant’s interment of ashes (under 12 years) | Free | Free |
| For all other interments of ashes | £137.50 | £137.5 |
|  |  |  |
| **Monuments**  Confers the rights to erect a monument |  |  |
| Lawn memorials with first inscription | £198 | £198 |
| Lawn memorials with second inscription | £44 | £44 |
| Flat cremation memorials | £198 | £198 |
| Memorial vases | £44 | £44 |
| Wooden Cross | £44 | £44 |
| Memorial Bench | £100 | £100 |
| Transfer or ownership of Exclusive Rights of burial | Free | Free |
|  |  |  |
| **Miscellaneous** |  |  |
| **Room hire for Parish Hall** | £12.50 per hour non commercial  £15.63 per hour commercial  After 18.00  £15.00 per hour non commercial  £18.75 per hour commercial  (minimum booking of 2 hours) |  |
|  |  |  |
| **Allotment Rent** | £50.00 full plots  £37.50 half plots  25% discount for senior citizens |  |

### **Appendix 13** - **Accessibility Statement.**

This statement covers the following website:

<https://www.ockbrookandborrowashparishcouncil.gov.uk>

This website is run by Ockbrook and Borrowash Parish Council and is supported/hosted by 2commune. We want as many people as possible to be able to use this website. For example, that means you should be able to:

* Change Colours, contrast levels and fonts.
* Zoom in up to 300% without the text spilling off screen.
* Navigate most of the website using just a keyboard.
* Navigate most of the website using speech recognition software.
* Listen to most of the website using a screen reader (including the most recent versions of JAWS, NVDA and VoiceOver).

We have also made the website text as simple as possible to understand.

AbilityNet (<https://mcmw.abilitynet.org.uk/>) has advice on making your device easier to use if you have a disability.

How Accessible this Website is.

We know some parts of this website are not fully accessible:

* Most older PDF documents may not be fully accessible to screen reader software.
* It is not always possible to change the device orientation from horizontal to vertical without making it more difficult to view the content.
* It is not possible for users to change text size without some of the content overlapping on some devices.
* There is no way to skip the repeated content in the page header (for example, a ‘skip to main content’ option).

Feedback and Contact Information.

If you need information that you cannot access from the website, please:

* Email: [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk)
* Call: 01332 664100

07860 702904

If you cannot view the map on our ‘contact us’ page, call or email for directions.

Reporting Accessibility Problems with this Website.

We are always looking to improve the accessibility of this website. If you find any problems not listed on this page or think we are not meeting accessibility requirements, contact:

Sarah Kitchener

Email: [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk)

Call: 01332 664100 or 07860 702904

Enforcement Procedure.

The Equality and Human Rights Commission (EHRC) is responsible for enforcing the Public Sector Bodies (Websites and Mobile Applications) (No2) Accessibility Regulations 2018 (the ‘accessibility regulations’). If you are not happy with how we respond to your complaint, contact the Equality Advisory and Support Service (EASS) (<https://www.equalityadvisoryservice.com/>).

Contacting us by Phone or Visiting us in Person.

Sarah Kitchener (Clerk and RFO)

The Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Tel: 01332 664100 or 07860 702904

Email: [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk)

Technical Information about this Website’s Accessibility.

Ockbrook and Borrowash Parish Council is committed to making its website accessible, in accordance with the Public Sector Bodies (Website and Mobile Applications) (No2) Accessibility Regulations 2018.

Compliance Status.

This website is partially compliant with the Web Content Accessibility Guidelines version 2.1 (<https://www.w3.org/TR/WCAG21/>) AA standard, due to the disproportionate burden reasons listed below.

* Word documents and PDFs of the Parish Council documentation.

Non-Accessible Content.

New documents we publish and documents you need to download or fill in to access one of the services we provide should be accessible.

We know that some of our older documents (published before 23 September 2018) are not accessible. For example, some of them:

* Are not tagged properly – for example, they do not contain heading structure.
* Are not written in plain English.
* Include complex tables.

Non-Compliance with the Accessibility Regulations.

We believe that all content (other than listed in the disproportionate section below) is accessible.

Disproportionate Burden.

Navigation and accessing information,

* There is no way to skip the repeated content in the page header (for example, a ‘skip to main content’ option).
* It is not always possible to change the device orientation from horizontal to vertical without making it more difficult to view to content.
* It is not possible for users to change text size without some of the content overlapping.

We have assessed the cost of fixing the issues with navigation and accessing information, and with interactive tools and transactions.

We believe that doing so now would be a disproportionate burden (<http://www.legislation.gov.uk/uksi/2018/952/regulation/7/made>) within the meaning of accessibility regulations.

Content that’s not Within the Scope of the Accessibility Regulations.

PDFs and other Documents:

Some of our PDFs and Word documents are essential to providing our services. For example, we have PDFs with information on how users can access our services, and forms published as Word documents.

The accessibility regulations do not require us to fix PDFs or other documents published before 23 September 2018 (<http://www.legislation.gov.uk/uksi/2018/952/regulation/4/made>) if they’re not essential to providing our services. For example, we do not plan to fix minutes prior to September 2018.

Any new PDFs or Word documents we publish will meet accessibility standards.

Preparation of this Accessibility Statement.

This statement was prepared on 13th August 2020.

It was last reviewed November 2023.

The website was tested out by 2commune, who tested all pages on our website.

We will review the website on an annual basis and update any changes as and when required.

### **Appendix 14 -Freedom of Information and Data Protection Policy.**

### Introduction:

Under the Freedom of Information Act, Ockbrook and Borrowash Parish Council has a duty to adopt and maintain a Publication Scheme describing:

* The classes of information it publishes
* How and where such information is published (e.g. website, paper copy, etc.) and
* If a charge is made for such information

The purpose of the Ockbrook and Borrowash Parish Council Information Guide is to let everyone know what information will be automatically or routinely published by Ockbrook and Borrowash Parish Council and to ensure that a significant amount of information is available to the public, without the need for a specific request to be made. Other information is of course available from the Ockbrook and Borrowash Parish Council by individual request, under the Freedom of Information Act 2000 and the Data Protection Act 1998, however as many requests are for routine information, this Policy should assist the public in quickly and efficiently locating the information they require.

If there is any information required that does not appear in our Information Guide or you have any comments or suggestions on how it can be improved, please contact:

Mrs Sarah Kitchener

Clerk and RFO

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Email: [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk)

### Obtaining Information

Much of the information listed in our Information Guide is supplied free of charge and can be downloaded from our website at <http://www.ockbrookandborrowashparishcouncil.gov.uk> and where this is the case, the appropriate link is shown. Where information is available only in paper format, this is stated within our Scheme and can be viewed by appointment with the Ockbrook and Borrowash Parish Council Clerk or copies can be collected / posted (at the appropriate charge).

### Information not contained within the scheme and Exemptions

Although the Freedom of Information Act creates a general right of access to information, it also sets out information that we do not have to make available for specific reasons, called exemptions. This is information that, if published, might prejudice the health, safety or security of Ockbrook and Borrowash Parish Council, our staff, systems, services or property.

If information is requested but is covered by an exemption, the Clerk to Ockbrook and Borrowash Parish Council will tell the applicant in writing why Ockbrook and Borrowash Parish Council has turned down the request, quoting any relevant exemptions.

If the information requested is not disclosed, the applicant can ask the Information Commissioner to review Ockbrook and Borrowash Parish Council’s decision. The Information Commissioner’s Office is the Government department that oversees and enforces FOI. They can be contacted by the following link: www.ico.gov.uk/

### Data Protection

A great deal of the information that Ockbrook and Borrowash Parish Council holds is personal and private to Individuals. However, the Freedom of Information Act, will not make public Private and Confidential information. Under the Data Protection Act 1998, individuals have the right to see any information we hold about them. However, the right is subject to exemptions which will affect whether information is provided, and requests will be dealt with by Ockbrook and Borrowash Parish Council on a case by case basis.

Please send any data protection requests, providing as much detail as possible about the information required to:

Mrs Sarah Kitchener

Clerk and RFO

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Email: [clerk@ockbrookandborrowashparishcouncil.gov.uk](mailto:clerk@ockbrookandborrowashparishcouncil.gov.uk)

### Charges

Ockbrook and Borrowash Parish Council Fees and Charges are stated at the end of our Information Guide.

Unless otherwise stated, publications listed in our Information Guide are usually supplied free of charge.

If administration costs exceed £450, to enable a Freedom of Information request to be met, then Ockbrook and Borrowash Parish Council can charge the requestor for the administration costs in meeting the request.

A charge will be made for photocopies as per the Schedule of Charges.

### Management of the Ockbrook and Borrowash Parish Council Parish Council’s Information Guide

Ockbrook and Borrowash Parish Council is responsible for the adoption and maintenance of this Policy and our Information Guide.

### **Appendix 15 - Protocol for notice boards.**

There are 6 Parish notice boards in the village provided to enable the parishioners to be aware of what the Parish Council is doing. The principle boards are used for legal notices.

* The principle board for the Parish and Ockbrook Ward is the Parish Hall, there are also boards on the Ridings and Victoria Avenue.
* The principle board for Borrowash West is outside the co-op,
* The principle board for Borrowash East is Priorway
* The is also a board on Hawthorn Ave.

Notices to per displayed on the Boards are in the following order subject to space being available in the following order: -

1. Legal notices,

2. Parish council Notices

3 Notices of LOCAL Events by Non-Profit Organisations

4. Any other notices that are not political or commercial.

All Notices other than 1 ,2 above are displayed if space is available at the discretion of the Parish Clerk.

Political or Commercial notices will not be displayed.

Notices will be removed after the event that the notice refers to.

No Notice will be displayed for more than 15 days before an event.

Preference will be given to A5 and smaller notices.

There should be a permanent notice giving contact details of Parish Councillors and the Clerk (*telephone number and email address*).

Protocol for the flying of Flags

The Parish Council are responsible for three flagpoles, located at the junction of Green Lane and The Ridings, Victoria Avenue, adjacent to the War Memorial, and the junction of Victoria Avenue and Nottingham Road.

Flags flown from these flag poles should be 3’ x 5’ and secured where possible by eyelets and carabiners. The halyards are accessible from a locked hatch near the base of each flagpole.

Flags will be flown in accordance with the Flag Calander, see appendix 1. Additional flags may be flown to celebrate specific events or in recognition of items of public approbation as agreed by the Parish Council, e.g., Anniversaries of historic events or Jubilee Celebrations

Where no specific flag is required the default flag will be the Union Flag or the Ockbrook and Borrowash Parish Flag. Where a flag is designated for a month, it may be replaced for a shorter period to acknowledge a specific event, e.g., Derbyshire County Flag throughout September but the Red Ensign for Merchant Navy Day and the RAF Ensign for Battle of Britain Day.

Only the Union Flag will be flown in November after the Remembrance period as a continuation of remembrance.

Whilst the Saint George’s Flag will be flown on 23rd April, other home nation saint’s days will not be marked.

Half Mast

The Union Flag will be flown at Half Mast in accordance with UK Flag Protocol for periods of National Mourning only. Flags will not be flown at Half Mast for any other occasion.

The Union Flag will be flown at full mast for Armistice Day and Remembrance Sunday.

Flag Calendar

|  |  |  |  |
| --- | --- | --- | --- |
| **Month** | **Specific Date** | **Day** | **Flag** |
| January | Month |  | Union Flag/ Parish flag |
| February | Month |  | Union Flag/ Parish Flag |
| March | Month |  | Union Flag/ Parish Flag |
|  | 11th | Commonwealth Day | Union Flag only |
| April | Month |  | Union Flag/ Parish flag |
|  | 23rd | St. George's Day | St. George's Flag |
| May | Month |  | Union Flag/ Parish Flag |
| June | Month | Pride Month | Pride Flag |
|  | 29th (2024) | Armed Forces Day | Armed Forces Day or Military |
| July | Month |  | Union Flag/ Parish Flag |
|  | 1st Sunday | Foresters/WFR/Mercian Regt Day | Regimental Flag |
| August |  |  | Union Flag only |
| September | Month |  | Derbyshire County Flag |
|  | 3rd | Merchant Navy Day | Red Ensign |
|  | 15th | Battle of Britain Day | RAF Ensign |
|  | 22nd | Derbyshire Day | Derbyshire County Flag |
| October | Month |  | Union Flag only |
|  | 14th or 21st | RBL Poppy Appeal | Lest We Forget Flag |
|  | 21st | Trafalgar Day | White Ensign |
| November |  | RBL Poppy Appeal | Lest We Forget Flag |
|  | 11th | Armistice Day | Union Flag |
|  | 12th | Remembrance Sunday | Union Flag |
|  | Month | Remainder of Month | Union Flag |
| December | Month |  | Union Flag/ Parish Flag |

### **Appendix 16**

**DIGNITY AT WORK POLICY**



**Ockbrook and Borrowash Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council**.

**Purpose**

Ockbrook and Borrowash Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

In support of this objective, Ockbrook and Borrowash Parish Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available NALC & SLCC

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

* explains how we will respond to complaints of bullying or harassment;
* ensures that we respond sensitively and promptly; and,
* supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

**Scope**

This policy covers bullying and harassment of and by the clerk and all employees engaged to work at Ockbrook and Borrowash Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with Ockbrook and Borrowash Parish Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the vice chair / council’s personnel / staffing committee.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council’s grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

**The position on bullying and harassment**

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Ockbrook and Borrowash Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people’s feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council’s disciplinary procedure.

•

Where a person is subject to uninvited conduct

that violates their dignity, in connection with a

protected characteristic

•

Behaviour that creates a hostile, humiliating,

degrading or similarly offensive environment in

relation to a protected characteristic

Harassment

•

Behaviour that leaves the victim feeling

threatened, intimidated, humiliated, vulnerable

or otherwise upset. It does not need to be

connected to a protected characteristic.

Bullying

**What Type of Treatment amounts to Bullying or Harassment?**

‘Bullying’ or ‘harassment’ are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

* Physical conduct ranging from unwelcome touching to serious assault.
* Unwelcome sexual advances
* The offer of rewards for going along with sexual advances e.g. promotion, access to training
* Threats for rejecting sexual advances.
* Demeaning comments about a person’s appearance
* Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.
* Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation.
* Spreading malicious rumours or insulting someone
* Lewd or suggestive comments or gestures
* Deliberate exclusion from conversations, work activities or social activities.
* Withholding information a person needs in order to do their job.
* Practical jokes, initiation ceremonies or inappropriate birthday rituals
* Physical abuse such as hitting, pushing or jostling.
* Rifling through, hiding or damaging personal property
* Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person.
* Isolation or non-cooperation at work
* Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
* The use of obscene gestures
* Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council’s equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee’s behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

**Victimisation**

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

**Reporting Concerns**

**What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

**What you should do if you feel you are being bullied or harassed by a councillor**: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you are being bullied or harassed by another member of staff:** If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council’s policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

* there has been a complaint that their behaviour is having an adverse effect on a member of the council staff.
* such behaviour is contrary to our policy.
* for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council’s grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

* The name of the alleged perpetrator(s),
* The nature of the harassment or bullying,
* The dates and times the harassment or bullying occurred,
* The names of any witnesses and
* Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your compliant (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

**The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

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

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

The Dignity at Work Policy has replaced a previous ‘Bullying and Harassment’ Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

**Notes:**

**Protected Characteristics**

A ‘protected characteristic’ is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

* Making assumptions about someone’s ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
* Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
* Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
* **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant persons stomach.
* Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone’s lifestyle based on their ethnicity.
* **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
* Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief.**
* Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

* Job applicants who believe they have not been appointed because of a ‘protected characteristic’ can make a claim.
* New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
* An employee subjected to harassment can make a discrimination claim at a tribunal.
* An employee asked to retire can make a discrimination claim at a tribunal.

**Legal risks**

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

**Culture and behaviour**

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a ‘grievance’ is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn’t acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

**Scope**

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

**Managers**

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible ‘line manager’ or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/vice Chair, or possibly chair of a staffing/personnel committee.

**Bullying and harassment & performance management**

The policy sets out that bullying and harassment does not include appropriate criticism of an employee’s behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

**Responsibilities**

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

**During the investigation**

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a ‘listening ear’ for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

**Confidentiality**

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

**Victimisation**

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation.  This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

**False allegations**

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

**Complaints against Councillors**

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council’s grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

### **Appendix 17 – Budget Proposal 2024/25**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| - | - | **Actual** | **Actual** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** | **Actual** | **Budget** | **expected forecast** | **Proposed Budget** | **Proposed Budget** | **Proposed Budget** |
| - | - | **2016/ 17** | **2017/ 18** | **2018/ 19** | **2019/ 20** | **2019 / 20** | **2020/ 21** | **2020/ 21** | **2021/ 22** | **2021/ 22** | **2022/ 23** | **2022/ 23** | **2023/ 24** | **2023/24** | **2024/25** | **2025/26** | **2026/27** |
| **Income** | - | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| - | Precept | 102375 | 100991 | 87730 | 111462 | 87730 | 111462 | 87730 | 88168 | 88168 | 91695 | 91695 | 126527 | 126527 | 137341 | **-** | **-** |
| - | Environment | - | - | 6386 | - | 770 | - | - | - | 600 | 2000 | 800 | - | 0 | 0 | **0** | **0** |
| - | burials | 12235 | 7543 | 20930 | 11868 | 10911 | 11610 | 9955 | 12000 | 17190 | 10500 | 8300 | 11550 | 11550 | 11985 | 11985 | 11985 |
| - | recreation | 13590 | 6363 | 5305 | 5388 | 4376 | 7046 | 2705 | 3800 | 2519 | 2818 | 4104 | 2741 | 2741 | 2605 | 2605 | 2605 |
| - | hall/lettings | 5622 | 5893 | 8150 | 8568 | 7332 | 8143 | 2102 | 11000 | 7469 | 11080 | 11884 | 18264 | 14503 | 14337 | 14337 | 14337 |
| - | allotment | 3205 | 3373 | 3368 | 3870 | 3666 | 3814 | 3797 | 3700 | 3628 | 3797 | 3803 | 3707 | 3707 | 4088 | 4088 | 4088 |
| - | Other | 22014 | 17705 | 12682 | 34122 | 800 | 10373 | 279 | 13000 | 469 | 11692 | 1396 | 791 | 791 | 575 | 575 | 575 |
| - | Ashbrook | - | - | - | - | - | - | 160 | 16290 | 12689 | 12228 | 8770 | 7666 | 2820 | 0 | 0 | 0 |
| - | Concurrent Functions | - | - | 24981 | - | 23732 | - | 23732 | 23732 | 23732 | 23732 | 23732 | 21359 | 21359 | 2000 | 0 | 0 |
| - | VAT | 7701 | 11435 | 14996 | - | 3801 | - | 4227 | - | 13434 | - | 16505 | - | 2824 | - | - | - |
|  | **Total Income** | **166742** | **153303** | **184528** | **175278** | **143118** | **152448** | **134688** | **171690** | **169898** | **169542** | **170989** | **192605** | **186822** | **172931** | **33590** | **33590** |
| **spends** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| - | Parish Hall | 3655 | 17830 | 14408 | 15016 | 10961 | 13948 | 21946 | 15000 | 19765 | 11665 | 9823 | 13189 | 13189 | 15824 | 14901 | 16600 |
| - | Ashbrook | - | - | 12058 | 20000 | 10430 | 25061 | 9786 | 15000 | 20980 | 11081 | 12981 | 17116 | 2390 | 0 | 0 | 0 |
| - | Salaries/ mileage/ training/ chair allowance | 60168 | 47743 | 33722 | 55363 | 24592 | 23222 | 37266 | 33000 | 48933 | 42302 | 50078 | 51810 | 51810 | 50884 | 52839 | 54873 |
| - | Recreation Events | 19091 | 24715 | 11927 | 14240 | 8897 | 11462 | 6575 | 16190 | 28803 | 14132 | 59165 | 13716 | 13716 | 11117 | 11531 | 11962 |
| - | Environment and NP | 8506 | 24108 | 27784 | 20000 | 27639 | 27769 | 28152 | 33000 | 24245 | 36055 | 20060 | 25298 | 25298 | 12321 | 11576 | 11996 |
| - | Grants | 8870 | 3750 | 1200 | - | 1775 | 5000 | 1618 | 5000 | 9168 | 5000 | 10140 | 8000 | 8000 | 8000 | 8000 | 8000 |
| - | General/admin/ bank charges/ subs/insurance / utilities | 51378 | 47512 | 18652 | 33403 | 21278 | 32050 | 11355 | 36000 | 13038 | 30936 | 10371 | 18901 | 18901 | 22466 | 22084 | 22740 |
| - | Burials | 8754 | 11044 | 20766 | 14108 | 18150 | 11571 | 17653 | 16000 | 16133 | 16203 | 16138 | 20782 | 20782 | 21048 | 21176 | 22409 |
| - | Allotments | 157 | 3282 | 5231 | 3148 | 941 | 2365 | 1719 | 2500 | 4003 | 2168 | 4530 | 3793 | 4996 | 6750 | 7166 | 7631 |
| - | Reserve Build up | - | - | - | - | - | - | - | - | - | - | - | 20000 | 20000 | 20000 | 20000 | - |
| - | VAT | 11435 | 11755 | 5854 | - | 3733 | - | 8565 | - | 12085 | - | 14182 | - | 3396 | - | - | - |
| **Total spends** | **-** | **172015** | **191740** | **151602** | **175278** | **128397** | **152448** | **144636** | **171690** | **197154** | **169542** | **207468** | **192605** | **182478** | **168409** | **169275** | **156212** |
| - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **Total Income and spends** | - | -5272 | -38437 | 32926 | - | 14721 | - | -9948 | - | -27256 | - | -36479 | 0 | 4344 | 4522 | -135685 | -122622 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Reserve carried forward | - | - | - | - | - | **83484** | **-** | **98205** | **-** | **88257** | **-** | **61000** | **-** | **24521** | **28865** | **-** | **-** |
| - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |  |
| Reserve | - | **-** | **-** | **-** | **-** | **98205** | **-** | **88257** | **-** | **61000** | **-** | **24521** | **-** | **28865** | **33388** | **-** | **-** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Precept Calculation** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Budgeted Income | Budgeted Expenditure | Net |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Parish Hall | 14337 | 15824 | 1486 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Ashbrook | 0 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Salaries/mileage/training/chair | 0 | 50884 | 50884 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Recreation/ events | 2605 | 11117 | 8512 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Environment and neighbourhood plan | 0 | 12321 | 12321 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Toilets – note 1 |  | 6522 | 6522 |  |  |  |  |  |  | | | | | | | | |
| reserve build up | 0 | 20000 | 20000 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Concurrent functions – note 2 | 2000 | 0 | -2000 |  |  |  |  |  |  | | |  |  |  |  |  |  |
| Donations | 0 | 8000 | 8000 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| General/admin/bank charges/ subscriptions/utilities/ other | 575 | 22466 | 21891 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Burials | 11985 | 21048 | 9063 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Allotment | 4088 | 6750 | 2662 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  | 0 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | 35590 | 174931 | **139341** | **precept required** | |  |  |  |  |  |  |  |  |  |  |  |  |

**Notes**

Note 1. Figures from EBC £3222 for running costs and £2400 cleaning/opening and closing + £900 solicitor fee.

Note 2. Figure received from EBC.