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 20th March 2024 Immediately After the Planning and Environment Committee.

## Present.

Councillors G Markwell (Chair), T Stevenson and G Maskalick.

## Also, Present.

S Kitchener (Clerk and RFO) and 4 members of public.

## 286/03/24 Noted Apologies for Absence.

Councillors S Fraser-Burton and C Millward (prior commitment).

## 287/03/24 Absent.

Councillor J Fraser-Burton.

## 288/03/24 Approve the Minutes of the Previous Committee Meeting held on the 29th November 2023.

**RESOLVED** Proposed by Councillor T Stevenson, seconded by Councillor G Maskalick and all unanimously agreed that the minutes be approved as a true record and were signed by the Chair at the meeting.

## 289/03/24 Variation of Order of Business.

None.

## 290/03/24 Declarations of Members Interests.

None.

## 291/03/24 Committee Items for Discussion/Action/Update.

### Policy Review.

* Hall Hire Agreement- see appendix 1.

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

* Action Plan 2024 – see appendix 2.

**RESOLVED** proposed by Councillor T Stevenson, seconded by Councillor G Maskalick and all unanimously agreed to accept the policy.

* Exclusive rights of Burial form – see appendix 3.

 **RESOLVED** proposed by Councillor G Maskalick, seconded by Councillor T Stevenson and all unanimously agreed to accept the policy.

* Disciplinary Policy – see appendix 4.

**RESOLVED** proposed by Councillor G Maskalick, seconded by Councillor T Stevenson and all unanimously agreed to accept the policy.

### Policy Adoption.

* Memorial inspection risk assessment – see appendix 5.

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

## 292/03/24 Date and Time of Next Meeting.

The next Finance, HR, Contractors and General Purposes committee meeting will be called on the 22nd May 2024 if necessary.

There being no further business the meeting concluded at 19:55.

### **Appendix 1 -** Ockbrook and Borrowash Parish Hall Hire Agreement.

**Please complete in block capitals**

Name and address of person/organisation booking the hall:

Telephone number:

Email address:

Purpose for which the hall is required:

Date required:

Time required: From To

***Please ensure that you include time to ‘set up’ and ‘clear away’ within your booking times, and you must leave the hall clean and tidy in readiness for the next user(s). Failure to leave the hall in a tidy manner will incur further costs, please see points 4 and 5 of the terms and conditions.***

**Charge per hour**

Non-commercial groups: Day rate: 09:00 to 18:00 - £12.50 per hour

Night rate: 18:00 to 23:00 - £15.00 per hour

Commercial groups: Day rate: 09:00 to 18:00 - £15.63 per hour

 Night rate: 18:00 to 23:00 - £18.75 per hour

The hall must be vacated by 23.00. Payment to be made in full prior to the booking.

**Other Fees**

If the FULL USE of the Kitchen is required i.e. cutlery and place settings for 50 people – there will be a charge of £10-00 extra – please speak to The Clerk to make arrangements.

Under the terms of this agreement, I/We agree to abide by the regulations.

Signed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sarah Kitchener - Parish Clerk/RFO

The Parish Hall,

Ockbrook,

Derbyshire, DE72 3SL

Telephone Number: 01332 664100/ 07860 702904

Email clerk@ockbrookandborrowashparishcouncil.gov.uk

## Terms and Conditions of Hire

1. Bookings are only acceptable when made on this official booking form by a responsible adult. The Parish Council reserves the right to refuse, cancel or impose special conditions where appropriate to any booking.
2. The person signing the booking form is responsible for the Health and Safety of all persons during the hire period. You should make yourself aware of the Fire Evacuation Doors and the location of First Aid Boxes. This information can be found on the Entrance Lobby Notice Board. If alcohol is consumed, you will be responsible for the prevention of excessive and underage consumption. If this condition is found to be breached the Police will be informed immediately.
3. Single bookings must be accompanied by this completed hire form and all due monies and deposits. In the event of a cancellation, hire charges and deposits may be refunded if made more than 14 days prior to the event.
4. Opening and Closing the Parish Hall: For single bookings, the Parish Hall will be opened for you and closed afterwards, details will be given at the same time as your booking is confirmed. For block bookings you will be provided with your own keys and entry code, details will be given along with your booking confirmation. Please ensure that any outside caterers/entertainers are aware of the hire period and that they will not be able to enter before or remain after the hire period**. You should include setting up and clearing away time in your booking to avoid clashes with other users.**
5. **Please ensure the facilities are left in a clean and tidy state. All recyclable waste may be placed in the recycling (blue) bin outside the kitchen. All food and non-recyclable waste should be placed in the Black bin outside the kitchen. CHARGES will be imposed IF the facilities are not clean and tidy, IF this charge is not paid ALL FUTURE bookings will be cancelled.** Please make sure you bring your own tea towel and bin bags.
6. Safety: The Parish Hall has a Non-Smoking Policy. This is a legal requirement. In the event of a fire, the Parish Hall should be evacuated in an orderly manner using the appropriate exists. The Fire Brigade should be called by dialing 999. The exact location of the fire exits, and fire extinguishers must be noted before the Parish Hall is occupied. This information can be found on The Lobby Notice Board.
7. There is a Parish Hall car park to the rear of the building. Organisations are required to ensure that members do not block the public roads or access for emergency vehicles. After use, the gates to the rear car park must be closed. The gate code is 2801.
8. Consideration for Others Please leave quietly at the close of your event. Car doors banging and loud talk in the car park are disturbing to local residents. Complaints could jeopardise any future bookings you might make.
9. Regular users need to give two weeks’ notice if they do not require their regular bookings. **If this notice is not given you may be charged for the session.**

### **Appendix 2**- Ockbrook and Borrowash Parish Council – Action Plan 2024.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Aim** | **Objective** | **Action** | **Who** | **Completion Date** |
| Financial Management | VAT return | Produce half yearly VAT return  | Clerk | April |
| Community Engagement | Annual Parish meeting | Invite local groups to submit yearly reports and join the annual meeting. All to be published on the website. | Clerk | March |
| Community Engagement | Quarterly newsletter | Publish on the web, Facebook and distribute to certain establishments in the villages | Clerk | Quarterly ongoing |
| Comply with law and inform community | Internal Audit | Report to Parish CouncilPublish on website  | Internal auditor, RFO and Parish Council | April/May |
| Comply with law and inform community | Annual Return | Agreed at Mays Parish meeting. Send to external auditor and publish on website | Clerk and Parish Council | May/June |
| Comply with law and inform community | Notice of Public Rights and Publication of unaudited AGAR  | Notify Council of conclusion at the meeting and publish on notice board and website | Clerk  | July  |
| Community Engagement | Summer children activities | Book the summer activities looking into grant possibilities | Clerk and Recreation committee | April/May/JuneActivity in August |
| Community Engagement | Start preparations for Christmas | Book the Mayor/Mayoress. Liaise with the local groups | Clerk | August  |
| Financial Management | VAT return | Produce half yearly VAT return | Clerk | October |
| Financial Management | Budget preparation | Email to committees on what they think they will spend, draft budget agreed at full Council. | Clerk, individual Committees and Parish Council | October/November/December |
| Comply with Law | Allotment tenancy agreements sent out  | Collate returned agreements with the rent | Clerk | November/December/January  |
| Community Engagement | Remembrance Day | Remembrance celebration from Borrowash to Ockbrook | Clerk, Recreation Committee and Parish Council | November  |
| Community Engagement | Ockbrook and Borrowash Christmas Light switch on | Celebrations in the two villages | Clerk/ Recreation Committee | November  |
| Financial Management | Set the precept and send request through to Erewash Borough Council | Agreed at full Council | Clerk/Finance and GP Committee and Parish Council | December  |
| Comply with Health and Safety | Cemetery benches | Twice yearly bench inspections ensuring all are safe | Clerk | June and December |
| Monitor development and planning | Consider all planning applications which fall within and impact upon the Parish | Clerk to notify the full Council, place on agenda and Website. | Clerk and full Council | Ongoing |
| Comply with law and inform community | Keeping residents up to date with Parish Council news | Update notice boards, website and Facebook | Clerk | Ongoing |
| Quality Status for the Council | Achieve Quality Status under Local Council Accreditation scheme | Clerk to look at complete | Clerk | Ongoing |
| Comply with Law | Monitor defibrillators | Check each defibrillator quarterly | Clerk | Ongoing |
| Comply with Law | Review Parish Council policies/risk assessments and asset register | Clerk to check all are up to date. | Clerk and Parish Council/ Finance and GP Committee. | Ongoing as each reaches its review date and/or new legislation occurs |
| Provide Play facilities | Maintain play and fitness equipment | Conduct monthly play equipment inspections and action any issues | Contractor and Clerk | Ongoing |
| Enhance the Parish and its amenities | Continue to seek funding for projects, e.g. children’s holiday activities | Complete relevant grant application | Clerk and Councillors | Ongoing |
| Ensure Clerk and Council maintain good practice | Clerk and Council to attend relevant training courses to their roles | Clerk to identify new legislation and to seek relevant training. All new Councillors to attend Essential Training for Councillors | Clerk and Councillors | Ongoing |
| Comply with law and engage community | Ensure the website is kept updated | Update as and when required | Clerk | Ongoing |
| Comply with law and inform community | To ensure the Parish Councils administration is run efficiently and that information is transparent | Publish agendas, minutes, AGAR, budget and precept on the website and/or noticeboards | Clerk | Ongoing |
| Comply with Law | Memorial testing | Test memorials I Balmoral Road Cemetery and All Saints | Clerk | Starting 2024, will be done every 5 years |

### **Appendix 3 –** Balmoral Cemetery, Balmoral Road, Borrowash

**When do you need to transfer ownership of the Exclusive Right of Burial?**

In the following circumstances transfer of the ownership will be required:

* The registered owner decided to assign the grave to someone else.
* An application is made for a burial in the grave, but the registered owner is previously deceased.
* An application to place a memorial/additional inscription on the grave is made but the registered owner is previously deceased.
* If the registered owner has recently died. This makes future arrangements easier if there is a living registered owner.

**Guidance on Transfer of Grave Ownership.**

The Council must obey the law relating to ownership of graves and burials.

When considering transferring ownership of a grave, it is important to be aware that it is against the law to open a grave for burial including a burial of cremated remains or to place cremated remains upon the surface of a grave without the written permission of the registered owner, unless the burial is for that of the grave owner. Where the owner has previously been buried, then without exception a new owner must first be registered to re-open a grave for burial or place a memorial or additional inscription upon a memorial.

The grave owner can assign the Exclusive Rights of Burial, during their lifetime, to another individual on completion of an Assignment of Exclusive Right of Burial form.

The procedure for establishing grave ownership when the original owner has died depends upon whether there is a will.

**The deceased left a valid will.**

If the deceased grave owner has made a valid will and left an estate of sufficient value to require the Grant of Probate to executors, ownership of the grave can be transferred to the executor. The applicant must produce a sealed copy of the Grant of Probate and complete the Assent of Executor or Administration form.

If the estate is not of sufficient value, ownership may be transferred to the executor named in the will by Statutory Declaration and the production of the will. It is then the executor's responsibility to identify the correct person for the transfer of ownership and assent the transfer by completing an Assent of Executor or Administration form.

**Grant letters of administration have been obtained.**

If there is no will, or the will is not valid, and the estate is of sufficient value as to require a Grant of Letters of Administration, ownership of the grave can be transferred to the personal representative of the deceased. The applicant must produce a sealed copy of the Grant of Letters of Administration Form and complete the Assent of Executor or Administration form. It is then the applicant's responsibility to identify the correct person for transfer of ownership and assent the transfer by completing an Assent of Executor or Administration form.

**Family disputes.**

Where a family dispute results in a stalemate and relevant consents are withheld, the ownership cannot be transferred. The various next of kin reaching an agreement between them, possibly through the agency of solicitors, can only resolve this.

**The deceased dies in intestate.**

If there are no Executors, or Letters of Administration have not been granted, the rules of intestacy apply as laid down in the Administration of Estate Act 1925.

The applicant for transfer of ownership should complete a Statutory Declaration. Statutory Declarations are legal documents produced by this office and must be signed in the presence of a Magistrate or Commissioner for Oaths.

The Statutory Declaration should clearly set out the facts regarding the original purchase of the Exclusive Rights of Burial, the death of the registered owner, intestate or otherwise and the relationship of the applicant to the registered owner. The original Deed of Grant and a certified copy of the owner's death certificate should accompany the Statutory Declaration.

Where the Deed has been lost, suitable wording should be incorporated within the declaration to that effect. It is essential that the written agreement of all the next of kin of the deceased owner must also be obtained for the "transfer of ownership" and attached to the Statutory Declaration. The following are examples of many of the possible circumstances:

|  |  |  |
| --- | --- | --- |
| Deceased owner survived by | Application made by | Consents needed |
| Spouse | Spouse | None-Transferred to spouse |
| Spouse | Son or daughter | Transferred to spouse –They can be assigned to son/daughter |
| No Spouse but four children | Son | All children – irrespective of legitimacy |
| No spouse or children but three brothers or sisters | Brother | Both other brother/sisters |

The statutory declaration exists to ensure that burial and memorial rights are exercised by the rightful person when there is no owner available or if the deeds have been lost. This helps to protect both the owner of those rights and the council. The declaration should be completed by the one person who will be granted permission to arrange a burial and/or memorial in/on the grave and should be signed in front of a Justice of the Peace or Commission of Oaths and to whom exclusive right of burial can also be granted subject to no other person(s) subsequently producing evidence to the council of their legal entitlement to such rights.

**Please complete the form that fits your circumstances.**

**ASSIGNMENT OF EXCLUSIVE RIGHT OF BURIAL FORM -** To be used to transfer exclusive right of burial when there is a living owner to a new owner.

|  |  |
| --- | --- |
| I (print title and own name) |  |
| Of (full address and postcode) |  |
| Do hereby assign unto the said (print title and full name of the person to transfer the ownershiprights i.e., new owner of burial rights) |  |
| The exclusive right of burial of (deceased information) | Grave Reference | Full Name |
| Hereby transfer all of my estate and title, interest therein, including the right of placing a memorial thereonof the nature and in the position approved by Ockbrook and Borrowash Parish Council to hold the same unto the said (end of date of grant) of |
| End date of grant of burial |  | End date of licence for memorial |  |
| Subject to the conditions on which I held the same immediately before the execution hereof |
| Witness my Hand this date |  | Signature (present owner) |  |
| Witness(Print full name) |  | Witness (signature) |  |
| Witness(Full address and postcode |  |
| Signature(New registered owner) |  |
| Witness(Print full name) |  | Witness (signature) |  |
| Witness(Full address and postcode |  |

Please send this completed form to:

The Clerk

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Please contact the clerk for any assistance in completing this form.**Transfer of ownership of burial rights must be completed prior to any requests for burial, memorial, or licence renewal of a memorial.**

**ASSENT OF EXECUTOR OR ADMINISTRATOR FORM -**To be used to transfer exclusive right of burial when the owner is deceased.

|  |  |
| --- | --- |
| I (print title and full name of 1st executor) |  |
| Of (full address and postcode) |  |
| Telephone number | Email |
| I (print title and full name of 2nd executor) if applicable |  |
| Of (full address and postcode) |  |
| Telephone number | Email |
| Being the (a) executor of the will of (title and full name of deceased) |  |
| Proved in probate registry (location of probate office) |  | On the (date) |  |
| OR being the (b) the administrator of the Estate of (titleand full name of deceased) |  |
| Under the letters of Administration granted by the registry (location of the probateoffice) |  | On the (date) |  |
| Do hereby Assent to the transferto (title and full name of new owner) |  |
| Of (full address and postcode of new owner) |  |
| Email (of new owner) |  |
| Signature (of new owner of burial rights) |  |
| The exclusive ownership of right of burial in grave number |  | At  |
| Which was granted to the deceased by Ockbrook and Borrowash Parish Council which will now be subject to the conditions on which were held the same immediately before the execution hereof |
| Witness my Hand this date |  |
| Signature of 1st Executor |  |
| Signature of 2nd executor (if applicable) |  |
| Witness of 1st Executor (print full name) |  | Witness of 1stExecutor (signature) |  |
| Witness(Full address and postcode |  |
| Signature(New registered owner) |  |
| Witness of 2nd Executor (print full name) |  | Witness of 2nd Executor(signature) |  |
| Witness(Full address and postcode |  |

Please send this completed form to:

The Clerk

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Please contact the clerk for any assistance in completing this form.

**Transfer of ownership of burial rights must be completed prior to any requests for burial, memorial, or licence renewal of a memorial.**

**GRAVE RENUNCIATION FORM -** To be used to surrender any interest in a grave and memorial any person may have e.g., when only one child of the deceased is taking over the exclusive rights of burial and memorial licence responsibilities. This form must be signed by his /her/their siblings.

This form should be attached to the statutory declaration before the declaration is made and reference to this form should be made within the declaration – please obtain legal advice on completing a statutory declaration.

|  |  |
| --- | --- |
| Title and full name(s) of new registered owner(s) |  |
| Full address and postcode(s) |  |
| Telephone number(s) | Email(s) |
|  |
| I/ we the undersigned hereby renounce all my/our interest in the Right of Burial and memoriallicence described in the register as Grave Number: Deceased Name In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cemetery, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and desire that the said right of burial and remaining memorial licence shall be vested to the sibling(s) as listed above, as new registered owners. |
| Signature |  | Witness signature |  |
| Title and full name |  | Title and full name |  |
| Address |  | Address |  |
| Postcode |  | Postcode |  |
|  |
| Signature |  | Witness signature |  |
| Title and full name |  | Title and full name |  |
| Address |  | Address |  |
| Postcode |  | Postcode |  |

Further siblings can sign and witness overleaf.

|  |
| --- |
|  |
| Signature |  | Witness signature |  |
| Title and full name |  | Title and full name |  |
| Address |  | Address |  |
| Postcode |  | Postcode |  |
|  |
| Signature |  | Witness signature |  |
| Title and full name |  | Title and full name |  |
| Address |  | Address |  |
| Postcode |  | Postcode |  |

Please send this competed form to:

The Clerk

Ockbrook and Borrowash Parish Council

Village Hall

Church Street

Ockbrook

Derby

DE72 3SL

Please contact the clerk for any assistance completing this form.

**Transfer of ownership of burial rights must be completed prior to any requests for burial (unless the burial is for the current owner of the exclusive rights), memorial or licence renewal of a memorial.**

**STATUTORY DECLARATION**

Application to register an interest in a grave Details of grave.

Grave deeds **must be** produced with this application, if deeds are not available, please complete section A.

**Name of Cemetery:**…………………………………….**Grave No:**…………..…….**Grant No:**……..…………

**Grave Owner**……………………………………..………..**Purchase Date:**……..…………………………………

Applicant details

**I the applicant** (please print name): **of**

**(Print address):**…………………………………………………………………………………………………………………………..…………...……...…..

……………………………………………. **Post code:** …………………………….…. **Telephone no:**.......................................................

Do solemnly and sincerely declare as follows:

1. The grave deeds cannot be produced because …………………………………….……………………………………………….….....…….

………………………………………………………………………………………………………………………………………………..…………………………….

1. I wish to be registered as the successor in title to the Exclusive Right of Burial appertaining to the above grave as the previous owner died on

…………………………………………………………………………………………………………………………………………………………………...……..

* 1. I hereby declare that I am entitled to be named as the successor (no person precedes me in the order of succession as overleaf) in title as the rightful person to arrange a burial and memorial in the above grave for the following reasons, I am the:

 Spouse of the deceased grave owner  Only child of the grave owner

 A child of the deceased grave owner.  Other nearest next of kin

All other siblings have signed (Form of Renunciation) Please explain below

………..……………………………………………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………………………………….

* 1. To the best of my knowledge and belief (name of grave

owner) had never assigned the benefits of the grave rights to any other person or specified any reservation of the grave for any particular person in accordance with item 10(6) in the Local Authorities Cemeteries Order 1977.

* 1. I hereby declare that I will indemnify the Ockbrook and Borrowash Parish Council against all actions, proceedings, demands, costs, and expenses of any nature whatsoever (including the exhumation of any burial) should it be subsequently proved my claim as aforesaid is unfounded and that I have no title to exercise the rights in this grave.
	2. I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory

**Declaration**

Declared at:………………………………………………………………………………………………………………..……………………

on this date:………………………………………………………………………………………………………………………..…….………

Signature of Applicant:………………………………………………………………………………………………………………………

before me …………………………………..……………………………………………………………………………………………………

(Name of J.P. or Commissioner of Oaths)

Signature:…………………………………………………………………………………………………………………………………………….

Office Address…………………………………………………………………………………………….………………………………………

……………………………………………………………………………………………………………………………………………………………

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### **Appendix 4 -**Ockbrook and Borrowash Parish Council

## DISCIPLINARY POLICY.

### INTRODUCTION.

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

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

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

This procedure confirms:

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

### EXAMPLES OF MISCONDUCT.

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

* Unauthorised absence
* Poor timekeeping
* Misuse of the Councils resources and facilities including telephone, email and internet.
* Inappropriate behaviour
* Refusal to follow reasonable instructions.
* Breach of health and safety rules.

### EXAMPLES OF GROSS MISCONDUCT.

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

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

### SUSPENSION.

If allegations of gross misconduct or serious misconduct are made, the Council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.

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

The employee must not attend work. The Council will make arrangements for the employee to access any information or documents required to respond to any allegations.

### EXAMPLES OF UNSATISFACTORY WORK PERFORMANCE.

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

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

### THE PROCEDURE.

#### **Preliminary Enquiries.**

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

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

#### **Informal Procedures.**

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

### DISCIPLINARY INVESTIGATION.

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

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

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

The Investigator will be asked to submit a report within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary, and the Council may decide to commence disciplinary proceedings at the next stage.

The HR Committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given at least five working days’ notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council’s disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

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

If there are other persons (e.g. employees, Councillors, members of the public or the Council’s contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

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

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

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

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

If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### THE DISCIPLINARY MEETING.

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

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

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

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

### DISCIPLINARY ACTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### THE APPEAL.

An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her/their written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

The grounds for appeal include,

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

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

* The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she/they may be accompanied by a companion, either a trade union representative or a work colleague.
* At the appeal meeting, the Chair will:
	+ introduce the panel members to the employee.
	+ explain the purpose of the meeting, which is to hear the employees’ reasons for appealing against the decision of the Personnel sub-committee.
	+ explain the action that the appeal panel may take.
* The employee (or his/her/their companion) will be asked to explain the grounds for appeal.
* The Chair will inform the employee that he/she/they will receive the decision and the panel’s reasons, in writing, within five working days of the appeal hearing.
* The appeal panel may decide to uphold the decision of the HR Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee’s personnel file.
* If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
* The appeal panel’s decision is final.

### **Appendix 5 -**  Ockbrook and Borrowash Parish Council

## Memorial Inspection Risk Assessment

|  |  |  |
| --- | --- | --- |
| Assessor Name: S Kitchener Clerk and RFO | Location: Ockbrook and Borrowash, Derbyshire  | Date: 03/2024 |
| Activities being assessed: Memorial testing in Balmoral Road Cemetery and All Saints Church. | Review date: 03/2025 |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Activity** | **Potential Hazards** | **Risks posed** | **Control Measures** | **Risk level:****High (H)****Medium (M)****Low (L)** | **Additional Measures** |
| Memorial Inspections | Cuts, bruises or crush injuries | Injury to Parish Councillors / staff / contractors and members of the public | Memorials to be hand checked every 5 years by qualified personnel | M | The Parih Council will only allow Councillors / staff / contractors who have attended the ICCM Memorial Inspections training to undertake memorial inspections |
| Visual Inspection of the Memorial | Tripping, crushing from the memorial falling | Injury to Parish Councillors / staff / contractors and members of the public | Inspectors to check the ground and surrounding area prior to the visual inspection | L | The Parih Council will only allow Councillors / staff / contractors who have attended the ICCM Memorial Inspections training to undertake memorial inspections |
| Physical Inspection of the Memorial | Tripping, crushing from the memorial falling | Injury to Parish Councillors / staff / contractors and members of the public | Memorial inspection programme in place. Regular checks of memorials prior to interments by the Clerk. Loose materials stacked and banded where possible | M | The Parih Council will only allow Councillors / staff / contractors who have attended the ICCM Memorial Inspections training to undertake memorial inspections.Wear PPE – Steel toe caps |
| Manual Handling | Muscle / back strain | Injury to Parish Councillors / staff / contractors and members of the public | Remember to carry out visual inspections first.Always stand to the side of the memorial. Do not attempt to stop a memorial which is falling.Refer to 1CM026 manual handling code of guidance | M | The Parih Council will only allow Councillors / staff / contractors who have attended the ICCM Memorial Inspections training to undertake memorial inspections.Wear PPE – Steel toe caps |