



EMPLOYEE AND COUNCILLOR HANDBOOK

2023-24

DOWNEND & BROMLEY HEATH PARISH COUNCIL

www.dbhparishcouncil.uk

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1. DEFINITIONS

- 1.1. In this Employee and Councillor Handbook a number of terms and phrases are used. The following capitalised words shall mean the following wherever they are used in this Employee and Councillor Handbook:
- 1.1.1. **Chair:** means the Councillor currently elected to be the chair of the Parish Council;
 - 1.1.2. **Clerk:** means the clerk currently appointed by the Parish Council;
 - 1.1.3. **Committee(s):** means a committee(s) formed by the Parish Council in accordance with its standing order;
 - 1.1.4. **Councillor(s):** means a councillor or councillors (as the case might be) currently elected or co-opted to be a councillor of the Parish Council;
 - 1.1.5. **Employees:** means employees including clerks, RFO's, Executive Officers, part-time, fixed-term and casual employees of the Parish Council; and
 - 1.1.6. **Meeting:** means any meeting organised by or on behalf of the Parish Council, including (i) any meeting of the Council, a Committee or Working Group; (ii) in taking a decision as a Parish Councillor at any briefing by officers; and (iii) at any site visit to do with business of the Parish Council and South Gloucestershire Council;
 - 1.1.7. **Parish Council:** means Downend & Bromley Heath Parish Council; and
 - 1.1.8. **Working Group(s):** means a working group(s) formed by the Parish Council in accordance with its standing order.

2. WELCOME

- 2.1. The Parish Council is committed to providing residents with a cost effective and transparent service. As part of our commitment to ensuring that residents fully understand the operation of the Parish Council, this 'Employee and Councillor Handbook' has been created.

- 2.2. This Employee and Councillor Handbook sets out a number of our policies in relation to a range of subjects (an overview on the contents page). A number of these policies detail how we will interact with our Employees and the standards expected of Councillors.

SECTION A

COUNCILLOR CODE OF CONDUCT

3. COUNCILLOR CODE OF CONDUCT

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt as a whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit- for- purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

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

and who is entitled to vote on any question that fails to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct

expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power

through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined

circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

7B – Consideration of Advice

As a councillor

7B.1 I will, when reaching decisions on any matter, consider and pay due regard to any relevant advice provided to me by:-

- a) the Council's Chief Finance Officer (S151) and/or
- b) the Council's Monitoring Officer

in accordance with their legal requirements.

7B.2 I will give reasons for departing from the advice of the Chief Finance Officer (S151) or Monitoring Officer

It is extremely important for you as a councillor to have regard to advice from your Chief Finance Officer or Monitoring Officer where they give that advice under their statutory duties. As a councillor you must give reasons for all decisions in accordance with any legal requirements and any reasonable requirements imposed by your local authority.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I do not make trivial/malicious or tit for tat complaints against other councillors

8.3 I cooperate with any Code of Conduct investigation and/or determination.

8.4 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.5 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from

persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 or totaling £100 over a year from a single source that I have been offered but have refused to accept within 28 days of the offer.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office or within 28 days of your interests changing you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”.

You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which ***affects*** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests asset out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and</p>

	Labour Relations (Consolidation) Act 1992.
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	Any beneficial interest in securities* of a body where—

	<p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) <p>of which you are a member or in a position of general control or management</p>
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Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local

authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

SECTION B

HEALTH AND SAFETY POLICIES

4. LONE WORKER POLICY

- 4.1. The purpose of this lone worker policy the “**Lone Worker Policy**”) is to ensure that there are adequate systems in place to ensure the health, safety and welfare of lone workers in order to reduce the risks of lone working as far as is reasonably possible and practicable.
- 4.2. A lone worker (“**Lone Worker**”) is anyone who works in isolation from their colleagues without close or direct supervision. This includes the Clerk, Parish Councillors, Responsible Financial Officer, contractors and Employees.

Scope

- 4.3. This Lone Worker Policy applies to:
 - 4.3.1. all Employees (including any agency, or visiting professionals employed to provide services on their behalf);
 - 4.3.2. Councillors when conducting Parish Council business; and
 - 4.3.3. participating Independent contractors and their employed staff.

Legal Requirements

- 4.4. The Parish Council has an obligation under the Health and Safety at Work Act 1974, to ensure the Health, Safety and Welfare of its employees. The Management of Health and Safety at Work Regulations (MHSWR) 1999 places a duty on employers, to identify significant risks within the organisation and implement suitable risk treatments, to reduce those risks so far as is reasonably practicable.
- 4.5. Where workers are on premises where someone other than their employer has control, their safety is the responsibility of the main occupier of those

premises provided that the occupier is also an employer or conducting an undertaking there (S.3 (2) of the Act).

- 4.6. Where an employer does not exercise control over the premises it is more difficult to ensure a safe and healthy environment. Regulation 10 of MHSWR requires employers (including self employed i.e. Independent contractors) to provide comprehensible information on health and safety for others who are working on or visiting their premises.
- 4.7. Section 7 of the act requires employees to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.
- 4.8. This Lone Worker Policy, with supporting training, should ensure that such persons do not take shortcuts or employ dangerous practices but that they are instructed to consider and identify potential hazards and to implement a form of risk assessment to ensure the safety of themselves and any of other persons they may be working with.
- 4.9. Where a person is required or requests to work after normal working hours and alone, it is necessary to identify the degree of risk in assessing whether or not this is a safe practice. Regulation 3 of MHSWR states that employers must make a “suitable and sufficient” assessment of any risks to the health and safety of their employees. Any such risks identified are likely to be greater for Lone Workers. These findings must be recorded on the risk assessment documents provided as part of your Health and Safety policy.

Policy Aims

- 4.10. The aim of this Lone Worker Policy is to ensure, so far as is reasonably practicable, that Employees or Councillors who work alone are not exposed to risks to their Health and Safety and to outline the steps to reduce risk and improve personal safety to staff who work alone.

- 4.11. The Lone Worker Policy also aims to raise awareness of safety issues relating to lone working.

Objectives

- 4.12. The objectives of this Lone Worker Policy are to ensure:
- 4.12.1. Lone Workers are identified;
 - 4.12.2. that risks inherent in Lone Worker situations are assessed and suitable precautionary measures taken; and
 - 4.12.3. a safe system of work will identify when Lone Working is no longer appropriate.

Risk Assessment

- 4.13. Risk assessment is the overall process of performing a systematic written risk analysis and risk evaluation in order to identify methods to control the severity of the risk. Risks to be assessed during the process include:
- 4.13.1. violence and aggression;
 - 4.13.2. isolated areas;
 - 4.13.3. sudden illness;
 - 4.13.4. building condition;
 - 4.13.5. substances hazardous to health; and
 - 4.13.6. weather hazards.
- 4.14. This list in 4.13 above is not exhaustive and other risks may be identified during the assessment process.

Safe System of Work

- 4.15. **Classification:** A method of working which addresses risks that cannot be controlled in any other way. Safe systems of work are dynamic systems, which means they should be constantly monitored to identify weakness and improve methods of controlling the risk.
- 4.16. **Systems of Work:** Systems of work should be designed to reduce the need for lone working where possible. If this is not possible, safe work practices should be implemented, in line with the findings of a general risk assessment, to avoid or minimise the possibility of abuse. Radios, personal attack alarms, mobile phones and physical barriers should only be used in conjunction with safe practice.
- 4.17. **Organisational Responsibilities:** Responsibilities for the health and safety of Lone Workers are the responsibility of the employer (i.e. the Parish Council).
- 4.18. **Personnel Committee:** The personnel committee of the Parish Council (the “**Personnel Committee**”) should ensure the management of Lone Working within the Parish Council is adhered to under the Health and Safety Policy. The Personnel Committee should ensure systems are in place to contact staff that have failed to arrive at the expected time. A diary is to be kept on the bookshelf within the Parish Council office and the Clerk shall share an electronic diary with the Chairman and Vice Chairman of the Parish Council. The diary on the bookshelf will detail when each worker leaves the Parish Council office for an appointment/meeting. The Personnel Committee of the Parish Council shall put in place procedures for the alert/alarm to be raised if staff cannot be contacted after the expected time of contact.
- 4.19. **Appointment of the Personnel Committee:** The functions of the Personnel Committee shall be discharged by the Finance & General Purposes Committee of the Parish Council. Where a decision is to be made

for the purposes of the Personnel Committee then the voting procedures and other rules of the Finance Committee of the Parish Council shall apply.

4.20. ***Assess the risks that such Lone Working presents:*** The Personnel Committee shall, having assessed the risks, consider whether Lone Working is reasonable or not and put recommendations to the full meeting of the Parish Council for approval. The Personnel Committee's report is to include details of any situation where the risks cannot be controlled. If a recommendation that lone working is considered reasonable is ratified, then the Personnel Committee must ensure that suitable precautions are in place, such as:

4.20.1. mobile telephones/radios;

4.20.2. reporting in procedures;

4.20.3. personal alarms; and

4.20.4. making all staff that work alone aware of this Lone Working Policy.

4.21. Any person covered by this Lone Working Policy, including Employees and Councillors shall:

4.21.1. comply with any precautionary measures agreed;

4.21.2. report to a Personnel Committee member any situation in which they feel unsafe or potentially unsafe;

4.21.3. report incidents in which aggression or threats are used;

4.21.4. take reasonable care for their own safety and not expose themselves to unnecessary risk; and

4.21.5. to attend any training provided.

5. VERBAL ABUSE POLICY

Overview

- 5.1. Not every phone call received by an Employee, volunteer (“**Volunteer**”) or Councillor is always a friendly phone call.
- 5.2. Employees, Volunteers and Councillors have probably received prank, abusive, nuisance or malicious calls (together “**Unwanted Calls**”) in the past.

Procedure for Dealing with Calls

- 5.3. If an Employee, Volunteer or Councillor ever encounters an Unwanted Call, the Parish Council advises them to follow the instructions described below:
 - 5.3.1. **Do Not Respond:** If you receive a malicious or abusive call do not respond, do not interact and do not engage. Any type of strong reaction is what the caller is after. Instead, make sure you listen and acknowledge what is being said. Pay attention to the tone of your voice and try to be accurate with the words that you use.
 - 5.3.2. **Hang Up:** If you no longer want to continue with the Unwanted Call, then simply state ‘*I do not think I can continue with this conversation and I am going to terminate this call*’ and hang up.
 - 5.3.3. **Keep Records:** Make a record of any Unwanted Call and, if you were forced to hang up on the caller make a written record of the incident. If the calls persist, make a record of when they occur to see if there is a pattern. It will also be useful when reporting the offence to authorities. Try the Call Return function on your telephone to trace the abusive calls. This can be done by dialing 1-4-7-1 in the UK.

5.3.4. **Report:** Never try to mediate, negotiate, conciliate or otherwise deal with the caller. Always remember: **DO NOT RESPOND, DO NOT INTERACT AND DO NOT ENGAGE.** After an Unwanted Call, report it to the Chair of the Parish Council so any health and safety implications can be considered.

6. HEALTH AND SAFETY

Overview

- 6.1. The Health and Safety at Work Act 1974 and recent additional legislation places a legal duty on the Parish Council to ensure, as far as is reasonably practicable, the health and safety and welfare at work of all Employees, non Employees, visitors and Councillors.
- 6.2. To meet this obligation the Parish Council will make sure that, as far as is reasonably practicable:
 - 6.2.1. all staff, volunteers and Councillors are made aware of their individual responsibilities;
 - 6.2.2. all staff, volunteers and Councillors are given sufficient information, instruction and training to maintain their health and safety at work;
 - 6.2.3. equipment and ways of working are safe and without risk to health;
 - 6.2.4. arrangements are made for the safe use, handling, storage and transport of articles and substances at work;
 - 6.2.5. Risk Assessments are carried out and reports detailing the findings are made available to staff, volunteers and Councillors; and
 - 6.2.6. all relevant Health and Safety legislation is complied with.
- 6.3. The Clerk is designated as the nominated Health & Safety Officer for the Parish Council.
- 6.4. The Parish Council expects all its Employees, volunteers and Councillors to assist the Parish Council to fulfil all its health and safety obligations by:
 - 6.4.1. working safely and efficiently;

6.4.2. reporting incidents and hazards that have led or may lead to accidents; and

6.4.3. following safety rules and procedures.

Managerial Organisation and Responsibilities

6.5. This Health & Safety Policy covers all Employees, volunteers and Councillors working for the Parish Council on any of its premises or land.

6.6. The Parish Council will be responsible for:

6.6.1. ensuring resources are adequate to maintain health and safety standards;

6.6.2. ensuring the Health and Safety Officer carries out safety duties adequately; and

6.6.3. acting on reports and recommendations made by the Health and Safety Officer.

6.7. The Health and Safety Officer will be responsible for:

6.7.1. ensuring all employees, volunteers and Councillors receive adequate safety training;

6.7.2. ensuring that the Health and Safety policy is implemented, monitored and reviewed regularly;

6.7.3. working with the nominated person in investigating all accidents and incidents and preparing the appropriate reports for the Parish Council, making regular inspections of the Parish Council's property, equipment and procedures;

- 6.7.4. presenting reports on accidents, incidents and near misses to the Parish Council;
 - 6.7.5. ensuring any other nominated person carries out their duties as Health and Safety Officer adequately.
- 6.8. Any nominated person will be responsible, on a day to day basis for:
- 6.8.1. acting as the competent person under the Act;
 - 6.8.2. carrying out risk assessments as required under current legislation;
 - 6.8.3. implementing the health and safety policy in cooperation with other staff;
 - 6.8.4. reporting accidents, incidents and near misses to the Parish Council;
 - 6.8.5. ensuring good housekeeping is maintained;
 - 6.8.6. maintaining records of:
 - 6.8.6.1. accidents;
 - 6.8.6.2. safety checks;
 - 6.8.6.3. nominated First Aid persons;
 - 6.8.6.4. preparing, where appropriate, incident/accident reports;
 - 6.8.6.5. maintaining up-to-date legislative information on Acts and Regulations;
 - 6.8.6.6. maintaining all certificates and registers required under relevant legislation;

6.8.6.7. carrying out initial reviews of Health and Safety policy as requested by the Parish Council;

6.8.6.8. ensuring all new equipment or processes are introduced in line with regulations;

6.9. All Employees, volunteers and Councillors will be responsible for:

6.9.1 taking reasonable care in their work practices;

6.9.2 working in a way which does not endanger others (including members of the public);

6.9.3 reporting any accidents, incidents or near misses or any potential risks to the nominated person;

6.9.4 complying with any instruction or control measure relating to health and safety; and

6.9.5 the appropriate use and care of any safety equipment issued.

Maintaining Good Housekeeping.

6.10. This Health & Safety Policy will be reviewed from time to time, and amended after major changes to legislation, processes or equipment. The review will be carried out by the nominated person in consultation with all Employees and Councillors and will be submitted to the Parish Council for approval.

Arrangements for Health and Safety

6.11. All Employees are obligated under the Health and Safety at Work Act 1974 to ensure that they work in a manner which protects not only their own safety but that of their colleagues, visitors and members of the public. The

nominated person will hold copies of all relevant Health and Safety Legislation in the Parish Council office and this will be available to all Employees, volunteers and Councillors on request.

- 6.12. Compliance with the Health and Safety Policy is a condition of employment and breaches may be subject to disciplinary procedure.

Reporting Accidents

- 6.13. Any person involved in an accident, whether or not injury is sustained, must report to the nominated person as soon as possible.
- 6.14. Any person receiving any injury, however slight, must report it and obtain adequate treatment.
- 6.15. Any person involved in a 'near miss' or dangerous occurrence must report this as soon as possible.
- 6.16. Any unsafe conditions or work activities must be reported to the Parish Council.

Smoking

- 6.17. Smoking is not prohibited anywhere in the Parish Council's premises.

First Aid

- 6.18. First aid boxes will be maintained.
- 6.19. The first aid boxes will be kept suitably stocked.
- 6.20. The nominated person will maintain an accident record book.

Working Away

- 6.21. All relevant safety rules and legislation apply to all the Parish Council's Employees, volunteers and Councillors engaged on Parish Council business away from the offices. A diary is held in the Parish Office outlining where Employees are when away from the office and is supplemented by the Parish Council's Lone Worker Policy.

Outreach Offices

- 6.22. All Employees, volunteers and Councillors in any outreach offices should make themselves aware of the Health and Safety arrangements for that building.

Fire/Emergency Arrangements

- 6.23. All Employees, volunteers and Councillors must make themselves aware of evacuation plans in the event of fire or other emergency.
- 6.24. Employees, volunteers and Councillors will be issued with information as to locations of fire fighting equipment and emergency exits and all Employees, volunteers and Councillors are required to make themselves aware of these.
- 6.25. Employees, volunteers and Councillors who facilitate meetings involving visitors to the building must ensure that information about fire exits and alarm procedures is relayed at the start.
- 6.26. Fire drills will be held on a regular basis and everyone is required to take part. Downend Library will keep a record of all drills.
- 6.27. All fire doors must be kept closed at all times.
- 6.28. Emergency exit doors will be maintained to open easily from the inside.
- 6.29. Fire fighting equipment will be serviced regularly.

- 6.30. The nominated person will make regular checks to ensure that fire exits are kept clear and any safety notices remain conspicuously displayed.

Training

- 6.31. All new Employees, volunteers and Councillors may be required to undertake induction training.
- 6.32. All Employees, volunteers and Councillors will receive periodic training on what is required to comply with Health and Safety policy.
- 6.33. Health and Safety training courses will be arranged as necessary by the Parish Council to maintain a suitable level of appointed persons.
- 6.34. Before the introduction of any new equipment or change in working practices, the nominated person will identify any new training requirements in consultation with Employees and Councillors.

Codes of Practice

- 6.35. Use equipment only for the purpose for which it was purchased, do not improvise.
- 6.36. Use equipment in line with the manufacturers' instructions.
- 6.37. Stop using equipment if a fault develops and report it to the nominated person.
- 6.38. Never run cables under carpets and ensure suitable cable covers are used.
- 6.39. If door wedges are not being used, store them on a raised surface and avoid leaving them on the floor.
- 6.40. Cooperate with other Employees, volunteers or Councillors by maintaining good housekeeping, especially in your own work area.

- 6.41. In relation to filing cabinets:
- 6.41.1. avoid leaving drawers open at any time; and
 - 6.41.2. fill from the bottom drawer upwards to prevent toppling.
- 6.42. Anyone working alone in the building must ensure the front door is locked.
- 6.43. Employees, volunteers or Councillors must avoid working alone in a building if they are suffering from a medical condition which would make it unsafe to do so.
- 6.44. Employees, volunteers or Councillors must avoid taking personal risks (e.g. overstretching or climbing on inappropriate surfaces, especially if working alone).
- 6.45. If any Employee, volunteer or Councillor feels stressed by a case or workload they should contact their line manager or Chair as soon as possible to arrange for a debriefing session.
- 6.46. Employees, volunteers or Councillors who have a medical condition which affects their ability to work should discuss this with their line manager or the Chair.
- 6.47. Food waste must be left only in the kitchen bins.

Outreach Offices

- 6.48. If Employees, Volunteers or Councillors are working in an outreach office, then they will have obligations under any Health and Safety arrangements for that building as well as under the Parish Council Health and Safety Policy.

- 6.49. Employees, Volunteers and Councillors will be provided with information about fire arrangements for the building.
- 6.50. First Aid arrangement will be provided.
- 6.51. Where practicable the nominated person will make regular Health and Safety checks.

Employees, Volunteers or Councillors visiting people's homes

- 6.52. Employees, Volunteers or Councillors visiting people in their homes need to be aware of potential dangers and avoid taking any personal risks.
- 6.53. Personnel on such visits should always inform relatives, friends or the Parish Council office of their intended whereabouts.
- 6.54. Where concerns arise, the Clerk, Health & Safety Officer or other designated person in charge will set enquiries in motion.
- 6.55. The Parish Council asks that, where relatives or friends are the contact, they are made aware of the need for urgent action in this event.
- 6.56. Where accidents, near misses or dangerous occurrences take place whilst personnel are on Parish Council business, these should be reported as soon as possible to the nominated person who will enter them into the accident book.
- 6.57. It is important that, on entering people's homes, Employees, Volunteers or Councillors should guard against accidents occasioned by torn or frayed carpets, loose rugs and slippery floors.
- 6.58. Take care on unlit corridors or stairs.

VDU Users

- 6.59. The provision in this section are intended primarily for 'designated users', but other users of VDUs should also follow them where possible.
- 6.60. Ensure that the screen is adjusted, with regard to brightness and contrast, to suit individual users.
- 6.61. Users should take short but frequent breaks, ideally five to ten minutes in each hour by varying the type of work done.
- 6.62. Users may request free eye tests where use of the VDU is felt to cause an eye problem.
- 6.63. Each user should ensure that chairs, desks, VDU casings and keyboards are adjusted to suit the individual.
- 6.64. If needed, use any PPE (Personal Protective Equipment) provided e.g. screen filters and footrests.
- 6.65. Ensure there is no reflected light on the screen.
- 6.66. Report any glare or flicker to the nominated person.
- 6.67. Report any environmental or hardware problems which may be specific to a user to the nominated person.
- 6.68. Risk assessments should be carried out when new equipment (including software) is installed. Individuals may request sight of such assessments.
- 6.69. VDU users should be given an adequate level of software training.

Risk Assessment

- 6.70. Generic risk assessments are held which cover all routine work.

- 6.71. Written risk assessment will be carried out where non-routine work, an unsafe condition or work practice is identified.
- 6.72. A competent person shall be appointed to carry out such assessment.
- 6.73. The Parish Council will define and implement procedures for serious and imminent danger.
- 6.74. Assessment will be carried out with executive committee/Employee/Volunteer co-operation.
- 6.75. Information will be made available to relevant workers.

Manual Handling

- 6.76. When moving heavy items Employees, Volunteers and Councillors should have regard to Manual Handling techniques.
- 6.77. Employees, Volunteers and Councillors must take account of their individual capability and ask for assistance with heavy or bulky loads.
- 6.78. Instructions for Manual Handling will be provided.

Fire Procedure

6.79. *On Discovery of a Fire:*

- 6.79.1. immediately operate the nearest fire alarm point; and
- 6.79.2. do not attempt to fight the fire unless you can do so safely.

6.80. *On Hearing the Fire Alarm*

- 6.80.1. Leave the room without collecting personal belongings and close the door.

- 6.80.2. Evacuate the building by the nearest escape route.
- 6.80.3. Go to the designated assembly point for the premises.
- 6.80.4. Report into the person in charge.

6.81. ***Remember***

- 6.81.1. Never think it is a false alarm.
- 6.81.2. Do not open a closed door unless you can be certain there is no fire behind it (feeling for heat would not help because all internal doors are fire retardant).
- 6.81.3. The appointed fire prevention officer will ensure all areas are cleared.

7. DIGNITY AT WORK

What are bullying and harassment?

- 7.1. These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.
- 7.2. **Harassment, in general terms is:** unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.
- 7.3. **Bullying may be characterised as:** offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- 7.4. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager, supervisor or Councillor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

What are examples of bullying/harassing behaviour?

- 7.5. Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief).
- 7.6. Copying information that is critical about someone to others who do not need to know.

- 7.7. Ridiculing or demeaning someone - picking on them or setting them up to fail.

Exclusion or Victimisation.

- 7.8. Unfair treatment is:

7.8.1. overbearing supervision or other misuse of power or position;

7.8.2. unwelcome sexual advances, touching, standing too close, the display of offensive materials;

7.8.3. making threats or comments about job security without foundation.

7.8.4. deliberately undermining a competent worker by overloading and constant criticism; and

7.8.5. preventing individuals progressing by intentionally blocking promotion or training opportunities.

- 7.9. Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

- 7.10. Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Duty of Care

- 7.11. The Parish Council as employer has a 'duty of care' for all their Employees. If the mutual trust and confidence between employer and Employee is broken, for example, through bullying and harassment at work, then an Employee can resign and claim 'constructive dismissal' on the grounds of breach of contract.
- 7.12. The Parish Council also has a duty to look after the health and safety at work of Employees and take steps to make sure that Employees do not suffer stress-related illness as a result of their Parish Council workload.

What the employee should do?

- 7.13. If you are sure you are being bullied or harassed, then there are a number of options to consider, and these are set out below. You should take any action you decide upon as quickly as possible.

Informal Complaint Procedure

- 7.14. **Seek Advice:** Seek advice, perhaps from a Citizens Advice Bureau, an Acas enquiry point or one of the bullying helplines that are now available by phone and on the Internet.
- 7.15. **Avoid being alone with the bully:** Keep a diary of all incidents, records of dates, times, any witnesses, your feelings, etc. Keep copies of anything that is relevant, for instance annual reports, letters, memos, notes of any meetings that relate to your ability to do your job. Bullying and harassment often reveal themselves through patterns of behaviour and frequency of incidents. Keep records and inform your employer of any medical help you seek.
- 7.16. **Ask for the Behaviour to Stop:** Tell the person to stop whatever it is they are doing that is causing you distress, otherwise they may be unaware of the effect of their actions. If you find it difficult to tell the person yourself, you may wish to get someone else to act on your behalf.

- 7.17. **Write a Memo:** If you cannot confront the bully, consider writing a memo to them to make it clear what it is you object to in their behaviour. Keep copies of this and any reply. Be firm, not aggressive. Be positive and calm. Stick to the facts. Describe what happened.
- 7.18. If the above process does not resolve the matter, the Employee should contact the Chair to make an appointment to discuss the problem. This meeting should take place within 1 week of the initial contact.
- 7.19. It is recognised that it is not always possible for a solution to be found informally. In such cases the formal complaint procedure as set out below should be followed.

Formal Complaint Procedure

- 7.20. To make a formal complaint, follow the procedure given in this document.
- 7.21. In circumstances where informal action has failed, the following procedure will be adopted:
- 7.21.1. The Chair will arrange a meeting with the Employee. The Vice Chair will also be present. Another Councillor can be appointed to fill the Chair or Vice Chair's role in this formal complaint procedure in the event they are implicated in the complaint.
 - 7.21.2. The Employee may be accompanied by a friend or representative.
 - 7.21.3. Detailed notes of the meeting will be made. Any agreements reached and action required will be communicated in writing to both parties.
 - 7.21.4. Following resolution of a case, the Parish Council should take the opportunity to examine policies, procedures and working methods to see if they can be improved.

Relationship to other Parish Council Policies/Procedures

- 7.21.5. This guidance will on occasion need to be read in conjunction with other relevant policies/procedures currently adopted by the Parish Council.

SECTION C

TRAINING POLICY

8. TRAINING POLICY

Overview

- 8.1. The Parish Council is committed to training its Employees and Councillors and recognises that well trained and informed Employees and Councillors promote good practice in its organisation. The Parish Council also values the time given by its Councillors to their community and this Training Policy is aimed at maximising the rewards from that time by ensuring that its Councillors understand and enjoy the part they undertake in their community and are able to discharge their role effectively.

Employee Training

- 8.2. Employees are seen as being fundamental in all areas of the Parish Council's service delivery and development. Accordingly, it is essential that they are all fully trained to carry out their duties as efficiently and effectively as possible.
- 8.3. Each Employee has an employee appraisal once a year. During this appraisal training needs are discussed. Any weaknesses in Employee training are identified and thereafter addressed.
- 8.4. The Parish Council has set aside a specific budget for Employee training.

Councillors' Training

- 8.5. As the policies of the Parish Council are set by the Parish Council as a corporate body, it is essential that all Councillors are afforded appropriate training. Accordingly, the training budget is also to be used for Councillors' training.
- 8.6. All Councillors are offered the opportunity to attend any relevant training courses offered by the various service providers, although this is not mandatory.

- 8.7. The Parish Council recognises that because of its size, most formal training will be provided by outside bodies. Therefore close links have been established with various training providers including South Gloucestershire Council, Avon Local Councils Association (ALCA) and the Society of Local Council Clerks (SLCC).
- 8.8. The Parish Council's Finance & General Purposes Committee should approve any requests for training to ensure the most effective use of the Parish Council's funds.

SECTION D

DISCIPLINARY AND GRIEVANCE

9. GRIEVANCE PROCEDURE

Overview

- 9.1. If an Employee has a grievance relating to their employment which they cannot resolve informally, you should raise the matter with the Chair. Where practicable this should be done face to face.
- 9.2. In the event that the grievance relates to the actions of the Chair then the matter should be raised with the Vice-Chair (unless they are also implicated where another Councillor of the Parish Council can be appointed by the Parish Council to fill this role) (an alternative person appointed to hear the grievance will be known as the “**Substitute Appointment**”).
- 9.3. The Chair, Vice-Chair or Substitute Appointment will endeavour to deal with the grievance and inform you of the action they intend to take within three working days.

Appeal

- 9.4. If the Employee who has made the complaint disagrees with the decision taken by the Chair, Vice-Chair or Substitute Appointment, they may appeal to a committee, appointed by the Parish Council, of three independent Councillors who have not previously investigated the grievance (the “**Appeals Committee**”).
- 9.5. The Appeals Committee will hear the Employee’s grievance within 10 working days of being appointed and will investigate the matter promptly and properly. The Appeals Committee will notify the Employee of their decision within 10 working days after meeting that Employee. This decision will be final and a copy of it recorded on that Employee’s personnel file.
- 9.6. There is no further internal right of appeal.

10. DISCIPLINARY PROCEDURE

- 10.1. This Disciplinary Procedure applies to all Employees and is designed to help and encourage Employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all.
- 10.2. Every effort will be made to deal with matters as quickly as possible.

Principles

- 10.3. No disciplinary action will be taken against an Employee until the case has been fully investigated.
- 10.4. At every stage in the procedure the Employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his/her case before any decision is made.
- 10.5. At all stages the Employee will have the right to be accompanied by a fellow worker or a trade union official during the disciplinary interview.
- 10.6. No Employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 10.7. The Employee will be given an explanation for any penalty imposed.
- 10.8. The Employee will have the right to appeal against any disciplinary penalty imposed.
- 10.9. The procedure may be implemented at any stage if the Employee's alleged misconduct warrants such action.
- 10.10. All records relating to the proceedings will be kept confidential.

The Procedure

10.11. Minor faults will be dealt with informally but where the matter is more serious the following procedure will be used:

10.11.1. **Stage 1 - Oral warning**

If conduct or performance of the Employee does not meet acceptable standards, the Employee will normally be given a formal oral warning by their line manager. He/she will be advised of: (i) the reason for the warning; (ii) that it is the first stage of the disciplinary procedure; and (iii) of his/her right of appeal. A brief note of the oral warning will be kept but it will be spent after six months, subject to satisfactory conduct and performance.

10.11.2. **Stage 2 - Written warning**

If the offence is a serious one or if a further offence occurs, a written warning will be given to the Employee by his/her line manager. This will give 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. The line manager will keep a copy of this written warning but it will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance.

10.11.3. **Stage 3 - Final written warning or disciplinary suspension**

If there is still a failure to improve and the conduct or performance of the Employee is still unsatisfactory or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a final written warning will normally be given to the Employee by his or her line manager. This will give details of the complaint, will warn that dismissal will result if there is no

satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the line manager but it will be spent after two years (in exceptional circumstance the period may be longer) subject to satisfactory conduct and performance.

Alternatively consideration will be given to imposing a penalty of a disciplinary suspension without pay for up to a maximum of five working days.

10.11.4. **Stage 4 - Dismissal**

If conduct or performance is still unsatisfactory and the Employee still fails to reach the prescribed standards, dismissal will normally result. Only the appropriate senior manager or Chair can take the decision to dismiss. The Employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.

11. GROSS MISCONDUCT

11.1. The following list provides examples of offences which are normally regarded as gross misconduct:

- 11.1.1. theft, fraud, deliberate falsification of records;
- 11.1.2. physical violence;
- 11.1.3. serious bullying or harassment;
- 11.1.4. deliberate damage to property;
- 11.1.5. serious act of insubordination;
- 11.1.6. misuse of the organisation's property or name;
- 11.1.7. bringing the employer into serious disrepute;
- 11.1.8. serious incapability through alcohol or being under the influence of illegal drugs;
- 11.1.9. serious negligence which causes unacceptable loss, damage or injury;
- 11.1.10. serious infringement of health and safety rules;
- 11.1.11. serious breach of confidence;
- 11.1.12. serious infringement or breach of the Parish Council's Social Media Policy; or
- 11.1.13. unauthorised entry to computer records.

- 11.2. If an Employee is accused of an act of gross misconduct, the Employee may be suspended from work on full pay, normally for no more than five working days, while the Parish Council investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the Parish Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

- 11.3. An Employee who wishes to appeal against a disciplinary decision should inform the Chair within two working days. The Chair will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed but it cannot be increased.

APPENDIX 1

DISCLOSURE PECUNIARY INTERESTS

Appendix

Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

ADOPTION

This Employee and Councillor Handbook was adopted by Downend & Bromley Heath Parish Council at the March 2019 Full Parish Council Meeting and is reviewed as required.

Signed:*Janet Biggin*.....

Chair

Signed:*A J Hocking*.....

Clerk

Date:21 September 2023.....

Version History

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