



Laverstock & Ford Parish Council *Incorporating Milford, Bishopdown Farm, Old Sarum & Longhedge*

14 October 2024

To All Members of the Personnel Committee

YOU ARE HEREBY SUMMONED TO ATTEND a meeting of **PERSONNEL COMMITTEE** to be held on **FRIDAY 18 October 2024** at **9.00am** in the **COUNCIL OFFICES, RIVER BOURNE COMMUNITY FARM, LAVERSTOCK, SP1 2SR** for the purpose of transacting the business set out in the agenda below.

All members of the public are welcome to attend.

A handwritten signature in cursive script that reads 'Gale Pettifer'.

Gale Pettifer
Parish Clerk

Please contact the Parish Office - 07771 802839 / parish-clerk@laverstock-pc.gov.uk - if you need further information on this agenda.

Members of the Personnel Committee

Councillor N Baker - Laverstock & Milford Ward
Councillor L Jones (Chair) – Laverstock & Milford Ward
Councillor I McDonald – Laverstock & Milford Ward
Councillor L Waller – Bishopdown Farm



**Meeting of the Personnel Committee
of Laverstock and Ford Parish Council to be held on
Friday 18 October 2024, at 9.00am, in the
Parish Office at River Bourne Community Farm, SP1 2SR**

AGENDA

PERS24.004 Apologies for absence

To receive, and consider for acceptance, apologies for absence. (*LGA1972 s85*)

PERS24.005 Declarations of interest

To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (*Localism Act 2011 s29-34*)

PERS24.006 Public participation time

An opportunity for members of the public to raise issues of concern or interest, ask a question or make a statement or present a petition or be part of a deputation. Public participation time will be conducted in accordance with the Council's 'Policy for Public Participation Time' which is limited to 15 minutes, with no individual speaker exceeding a maximum of three minutes each. (*LGA1972 s100*)

PERS24.007 Confirmation of minutes of previous meeting held on 24 April 2024

To confirm, as a correct record, the minutes of the previous meeting of the Committee. (*LGA1972 sch12*)

PERS24.008 Matters arising from the previous meeting held on 24 April 2024

To consider any matters arising from the previous minutes of the Committee.

PERS24.009 Budget – verbal report

To consider Personnel Budget for 2025/26.

PERS24.010 Review of Policies

To review HR policies:

- PERS24.010a - Health & Safety Policy
- PERS24.010b – Disciplinary & Dismissal
- PERS24.010c – Grievance Policy

PERS24.011 Timetable of meetings

To agree schedule of meetings according to the Scheme of Delegation.

Date of next meeting:

The date of the next Personnel Committee meeting will be advised.



Laverstock & Ford Parish Council

Incorporating Milford, Bishopdown Farm, Old Sarum & Longhedge

Meeting of the Personnel Committee of Laverstock and Ford Parish Council held on 22nd April 2024 at River Bourne Community Farm

DRAFT MINUTES

Councillors present: Jones (Chair), Baker, McDonald

In attendance: Deane (Clerk)

The meeting commenced at 6.07pm.

PERS24.001 Apologies

Apologies had been received from Cllr Waller.

Resolved: to accept the apologies received.

PERS24.002 Declarations of Interest

There were no declarations of interest.

PERS24.003 Exempt Business – Exclusion of the Press and Public

Resolved: That in view of the Staff-in-confidence nature of the business about to be transacted, the public and press be temporarily excluded from this meeting under the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 Section 10.

Cllr Jones reported on the recent interviews of candidates for the role of Parish Clerk. The panel made a recommendation to Full Council for the appointment. Subject to approval of Full Council, members of the panel will telephone all shortlisted candidates on Tuesday 23rd April.

The terms and conditions for inclusion in the Clerks contract were discussed and agreed, using the model NALC contract as a basis.

The meeting closed at 7.05pm.

NEXT MEETING. Date of the next meeting of the Personnel Committee of the Parish Council to be advised.

LAVERSTOCK & FORD PARISH COUNCIL

PERSONNEL COMMITTEE

Subject: HR Policies PERS24.010

Date: 14th October 2024

Author: Gale Pettifer

1. Report Summary

- 1.1 This report sets out the responsibilities of the Parish Council regarding Human Resources (HR).
- 1.2 Three mandatory policies - Health and Safety; Disciplinary and Dismissal; and Grievance are due for review and readoption by Council. These policies are appended to this report.

2. Background

- 2.1 In the UK, businesses (including local authorities) are legally obliged to have a Health and Safety policy; Disciplinary and Dismissal policies; and a Grievance policy if they employ five or more people. These policies ensure compliance with employment law and help protect both the employer and employees from potential legal issues.

3. Principal HR laws

- 3.1 The principal HR laws that every organisation operating in the UK must comply with include:
 - Employment Rights Act 1996 – Covers laws relating to employment rates such as unfair dismissal, redundancy pay, zero-hour contracts, and flexible working.
 - National Minimum Wage Act 1998 – Sets out the minimum pay employees are entitled to per hour.
 - Equality Act 2010 – Protects employees from discrimination, harassment, and victimisation.
 - Maternity and Parental Leave etc. Regulations 1999 – Sets out employees' right to maternity and parental leave.
 - Working Time Regulations 1998 – Regulates the maximum number of hours employees can work and their entitlement to breaks.
 - Employment Relations Act 1996 – Establishes employees' right to be accompanied during disciplinary and grievance hearings.
 - The Health and Safety at Work Act 1974 – Ensures that employees are provided with a safe working environment.
 - Data Protection Act 2018 – Regulates how companies use and store employee and customer personal data.
 - Bribery Act 2010 – Makes bribery within the workplace a criminal offence.

- 3.2 Complying with these HR laws is not discretionary; it is a legal obligation. A straightforward and effective way to embed these laws in council's operations is to adopt HR policies that create a framework of rules and best practice that incorporate and reflect these regulations.
- 3.3 The following three HR policies are the only ones that Council **must** have, however, most organisations adopt others because workplace policies are an effective way of managing compliance with HR laws.

4. **Health and Safety Policy**

- 4.1 According to the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations, every organisation that employs five or more people is required by law to have a written health and safety policy.
- 4.2 The Health and Safety Executive recommend, at minimum, a health and safety policy should cover the following three areas:
- Statement of intent – This section states the organisation's general policy on health and safety and lays out the policy's aims.
 - Responsibilities for health and safety – This section lists the names, positions, and roles of the people responsible for health and safety within the organisation.
 - Arrangements for health and safety – Finally, this section provides details about what arrangements are in place to help the organisation to achieve its aims. This could include information about health and safety equipment, processes, and procedures etc.
- 4.3 The Council's health and safety policy should be regularly reviewed and updated to remain effective.
- 4.4 The current Health and Safety Policy for the Council was adopted 13/07/15. An updated version is available at **Appendix 1** and members of the Personnel Committee are requested to review and recommend the policy to Full Council for approval.

5. **Disciplinary and Dismissal Policy**

- 5.1 All employers must put their disciplinary procedure into writing and make it easily available to all staff. The policy should tell employees what standards of behaviour and performance are expected and the consequences they will face for misconduct.
- 5.2 Disciplinary procedures should follow the ACAS Code of Practice on disciplinary and grievance procedures.
- 5.3 At a minimum, organisations' disciplinary procedure must include the following steps:
- A letter is sent to the employee setting out the issue
 - A meeting is held with the employee to discuss the issue

- A disciplinary decision is reached
- The employee is given a chance to appeal the decision
- Failure to follow this statutory minimum procedure could result in employees making an unfair dismissal claim.

5.4 The current Disciplinary Policy for the Council was adopted 15/06/15. An updated version is available at **Appendix 2** and members of the Personnel Committee are requested to review and recommend the policy to Full Council for approval.

6. Grievance policy

6.1 The law requires all businesses to have a written formal grievance procedure, which should either be laid out in a grievance policy or written into the employment contract. A grievance policy sets out an organisation's grievance procedure. A grievance procedure allows employees to raise problems or complaints with their employer formally.

6.2 Like the disciplinary and dismissal policy, the grievance policy must also follow the ACAS Code of Practice on disciplinary and grievance procedures.

6.3 The current Grievance Policy for the Council was adopted 15/06/15. An updated version is available at **Appendix 3** and members of the Personnel Committee are requested to review and recommend the policy to Full Council for approval.

7. Recommendations

That the Personnel Committee review the Health and Safety Policy; the Disciplinary and Dismissal Policy; and the Grievance Policy and recommend that they be adopted by Full Council.

Appendix 1:

PERS24.010a

HEALTH AND SAFETY POLICY

Purpose	To set out a Code of Practice
Scope	Employees, Councillors, and others conducting business on behalf of Laverstock & Ford Parish Council
Date adopted	
Minute Ref:	
Previous	
Next Review	
Policy Owner	Personnel Committee
Supersedes	LFPC H&S Policy 130715(02)

1. Introduction

1.1 Laverstock and Ford Parish Council recognises and accepts its responsibilities as an employer for providing a safe and healthy working environment for all its employees, contractors, voluntary helpers and others who may be affected by the activities of the Council.

1.2 The Council will meet its responsibilities under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations, and will provide the resources necessary to fulfil this commitment.

1.3 The Council will seek, as and when appropriate, expert technical advice on Health and Safety to assist the Clerk in fulfilling the Council's responsibilities for ensuring safe working conditions.

2. Scope

2.1 The following policy applies to all employees, contractors, parish councillors and other officials conducting business on behalf of Laverstock and Ford Parish Council.

3. Principals (statement of intent)

3.1 Under this policy, Laverstock & Ford Parish Council will ensure:

- the allocation of sufficient resources to provide a safe and healthy place of work
- the provision of appropriate information, instruction, training and supervision
- promotion of employee consultation on matters affecting health and safety
- arrangements for considering, reporting and reviewing matters of Health and Safety at work, including regular risk assessments of working activities
- systems of work that are safe and without risks to health
- specialist technical advice and assistance is sought on matters of Health and Safety when necessary

4. Responsibilities for Health and Safety

4.1 The ultimate responsibility for health and safety rests with the Councillors of Laverstock & Ford Parish Council. Day to day responsibility for implementation is delegated to the Parish Clerk, who also acts as the contact and liaison point for the Health and Safety Executive.

4.2 Responsibilities of the Clerk

The Clerk will maintain knowledge of relevant Health and Safety policy legislation and inform the Council accordingly. They will also:

- ensure sufficient information, instruction, training, and supervision levels to enable all employees to identify and avoid hazards
- ensure that the workplace and equipment is subjected to regular health and safety checks
- ensure that regular risk assessments are provided for the office, play areas, open spaces, and areas where work or events are being carried out
- maintain a record of risk assessments
- make effective arrangements to ensure that contractors or voluntary helpers working for the Council comply with all reasonable health and safety at work requirements
- maintain a central record of notified accidents and, if an accident or hazardous incident occurs, take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.

4.3 Responsibilities of Councillors, employees, contractors etc.

All employees, councillors, contractors etc., will cooperate fully with the aims and requirements of the Council's Health and Safety Policy and will:

- take reasonable care for their own health and safety, to use appropriate personal protective clothing and, where appropriate, ensure that appropriate first aid materials are available
- take reasonable care for the health and safety of other people who may be affected by their activities
- not intentionally interfere with or remove safety guards, safety devices or other equipment provided for health and safety
- not misuse any plant, equipment tools or materials
- report any accidents or hazardous incidents to the Parish Clerk.

5. Arrangement for Health and Safety

5.1 The Clerk has recognised that they retain overall responsibility for health and safety matters and that the Council needs to act in respect of the key points listed here.

5.2 In managing these matters emphasis is placed on the officers of the Council for recognising hazards and potential risks and then taking steps to minimise their effects on employees and others.

5.3 General

- provide and resource an effective health and safety management system
- make arrangements to consult with employees on health and safety matters
- arrange and maintain appropriate Employers' Liability Insurance cover
- ensure that health and safety implications are considered when acquiring new equipment and machinery
- ensure contractors (when used) are competent and monitored during work
- ensure a process is in place to identify and report hazards
- ensure all employees receive appropriate health and safety training
- provide measures to protect the health and safety of employees working alone
- monitor the health and safety performance of the Council

5.4 Occupational Health

- ensure adequate procedures are in place to identify and address occupational health risks
- ensure that the measures required to reduce and control employees' exposure to occupational health risks are in place and used
- implement measures to reduce stress within the workplace

5.5 Accidents, Incidents and First Aid

- record accidents and incidents
- complete accident and incident investigations, identify causes and measures for prevention
- ensure applicable injuries, diseases and dangerous occurrences are reported to the Enforcing Authority
- ensure adequate first aid arrangements are in place

5.6 Fire and Emergency Arrangements

Ensure;

- adequate arrangements are in place to deal with fire safety on Councils premises
- employees are aware of the fire and evacuation arrangements and other emergency procedures
- emergency equipment is provided, tested and maintained appropriately
- adequate Fire Risk Assessments are completed

5.7 Risk Assessment

Ensure:

- risk assessments are complete and Safe Systems of Work are produced for all activities that pose a significant risk of harm
- risk assessments are documented
- the outcomes of risk assessments are carefully explained to the workforce

5.8 Premises

- provide a suitable and safe working environment for employees with adequate welfare facilities
- ensure the fixed electrical installation is adequately installed and maintained
- introduce and maintain measures to control and manage the risks from asbestos
- ensure good housekeeping standards are instigated and maintained

- provide suitable and sufficient maintenance of the facilities provided within the workplace

5.9 Equipment

Ensure:

- all equipment provided by the Council is suitable and properly used
- all work equipment is adequately maintained and safe
- portable electrical appliances are adequately maintained, inspected and tested
- appropriate hand tools are provided and maintained
- any Personal Protective Equipment (PPE) provided gives suitable protection, is used and employees are given information, instruction and training on its use

5.10 Substances

Ensure;

- all substances are used safely
- all substances are appropriately stored

6. Monitoring

6.1 The operation of this policy and arrangements is actively monitored. The Clerk has overall responsibility for this, but some of the routine tasks may be delegated.

Appendix 2:

Laverstock & Ford Parish Council

PERS24.010b

DISCIPLINARY POLICY

Purpose	To set out a Code of Practice
Scope	Employees
Date adopted	
Minute Ref:	
Previous	
Next Review	
Policy Owner	Personnel Committee
Supersedes	L&FPC Disciplinary Policy 15/06/15.

The aim of this policy is to set out a Code of Practice and to provide guidance to Council members and employees regarding the disciplinary policy.

1. Introduction

- 1.1 This procedure is intended to ensure that all employees, irrespective of race gender and/or disability are treated fairly and consistently. Whilst the ultimate sanction of dismissal can be applied for continual misconduct (or for gross misconduct), it is also an intention of the procedure to bring the consequences of misconduct or poor performance to the attention of the employees concerned so that they can improve their conduct and avoid dismissal.

2. Scope

- 2.1 The following procedure applies to all employees within Laverstock and Ford Parish Council.

3. Principles

- 3.1 The primary objective of the Disciplinary Procedure is to encourage employees to improve and correct unacceptable behaviour or conduct rather than simply punish employees. We will consider informal action, where appropriate, to resolve problems.
- 3.2 At every stage in the procedure the employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.
- 3.3 No disciplinary action will be taken against an employee until the case has been fully investigated and the disciplinary action will be reasonable in the circumstances.

- 3.4 The employee will be provided, where appropriate, with written copies of evidence and relevant witness statements before a disciplinary meeting.
- 3.5 During the process of the disciplinary procedure, the employee will have the right to be accompanied by a representative, who could be an accredited trade union representative/official or a work colleague. The employee will be informed of this right in the letter requesting his/her attendance at meetings held under the procedure and again at the commencement of any meeting.
- 3.6 Whenever possible the date and time of any hearing should be mutually agreed by all parties, including the chosen representative.
- 3.7 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty might be summary dismissal without notice and without payment in lieu of notice.
- 3.8 Employees will be provided with a written decision, which will explain the disciplinary action being taken and set out the improvement or standard required.
- 3.9 An employee has the right to appeal against any formal disciplinary penalty imposed.
- 3.10 Normally, no action under this procedure, including suspension will take place in respect of an officer who is an accredited representative of a trade union, and whose status has been notified to the authority in writing, until the circumstances of the case have been discussed with a full-time official of the trade union concerned.

4. Investigation

- 4.1 When a potential disciplinary matter arises, the Line Manager or Chairman of the Council will appoint an investigating officer and arrange for an investigation to take place, including an investigatory interview with the employee(s) concerned. This should be done as quickly as possible in order to establish the facts before recollections and memories fade.
- 4.2 Where feasible, the investigating officer responsible will be assisted by a representative from a Disciplinary Sub-Committee appointed to oversee the matter, or another person with appropriate experience of disciplinary investigations. Written notes of any meetings that take place will be made, which will be used for possible reference later.
- 4.3 Having thoroughly investigated the facts, the investigating officer will be expected to come to a decision regarding the allegations and the facts and other matters established during the investigation. This could involve a recommendation that the matter be dropped entirely; that it be referred to an informal hearing; or that it should be referred to a formal disciplinary hearing. In the latter situation, a report will be prepared summarising the information and evidence obtained and the conclusions and recommendations for further action under this Disciplinary Procedure.

- 4.4 If the employee is accused of an act of gross misconduct, and it is felt inappropriate for the individual to remain at work because it might jeopardise the investigations or give concern for safe working practices etc., he/she will usually be suspended from work on normal pay, usually for no more than ten working days, whilst the alleged offence is investigated. The suspension will be kept under review. The provision for suspension is not, in itself, to be regarded as a disciplinary action and does not involve any prejudgment. (Whether the employee is suspended or not must not be taken as an indication that any misconduct will, or will not, be deemed to be gross misconduct.

5. Informal Action

- 5.1 There will be occasions when employees' misconduct, breaches of rules or unsatisfactory performance will be regarded as minor. In such cases the Line Manager or Chairman will meet with the employee confidentially to outline where improvement is required. Such counselling may be confirmed in writing.

6. Formal Disciplinary Action

- 6.1 Before any disciplinary hearing the employee will be provided with full information of the allegations, including the report of the investigating officer, witness statements and all relevant evidence/documents in good time to enable him/her to consider this with his/her representative prior to the hearing. This should not be less than five working days. The employee will be advised of the right to be accompanied at the hearing.
- 6.2 Any information to be relied upon by the employee at the hearing should normally be disclosed to the Presiding Officer, (i.e. the senior person from the Council who is to chair the disciplinary hearing), no less than two working days before the hearing.
- 6.3 At the hearing, the procedure will be that the investigating officer will present the results of the investigation before the employee and will present any witnesses. The employee will be entitled to ask questions of the investigating officer and the witnesses. The employee will then be able to present his/her own case either him/ herself or through his/her representative and call any further witnesses. The employee will be required to respond to questioning by the investigating officer and the Presiding Officer at the hearing. All information placed before the Presiding Officer will be put in the presence of the employee and, if it is necessary to adjourn the hearing and reconvene for further information, this same principle will apply. Full details are set out in the Annexe to Appendix 1.

6.4 Notification of the result of the Disciplinary Hearing

The results of all disciplinary hearings will be confirmed in writing to all parties, including any representative, stating the employee's right of appeal, giving: -

- The disciplinary action that has been taken (or not taken, as appropriate),

- The reason(s) why,
- The timescale within which improvement is required;
- The consequences if there is no satisfactory improvement or further misconduct occur.

6.5 The following section explains the different levels of disciplinary action, or sanctions, which may be taken against an employee.

7. Levels of Disciplinary Action

7.1. Stage 1 Warning - Verbal

This is the lowest form of disciplinary action under the disciplinary procedure. If conduct or performance does not meet acceptable standards the employee will normally be given a Stage 1 Warning.

This level of warning may be given by the appropriate Line Manager. It will be a verbal warning and will be noted on the employee's record for three months.

7.2 Stage 2 Warning - Written

This will normally be either:

a) an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. We will advise you that this is the first stage of the formal procedure. We will keep a record of the improvement note for six months, but it will then be considered spent – as long as you achieve and maintain satisfactory performance

or

b) a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct, the change in behaviour required and the right of appeal. The warning will also tell you that a final written warning may be considered if there is no sustained satisfactory improvement or change. We will keep a record of the warning, but it will be disregarded for disciplinary purposes after six months. Where an offence is serious, or if a further offence occurs (which need not necessarily be of the same nature) whilst a Stage 1 Warning is still in force, the employee will be given a Stage 2 Warning.

This level of warning may only be given by a formally designated member of the Disciplinary Sub-Committee.

7.3 Final Warning

This is the most severe level of warning that can be given under the disciplinary procedure.

The employee might receive a final written warning if:

- the offence is sufficiently serious
- there is further misconduct
- there is failure to improve performance while still under a prior warning

The Final Warning will confirm the full details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal.

The Clerk will keep a copy of this written warning but it will be disregarded for disciplinary purposes after twelve months, as long as the employee achieves and maintains satisfactory conduct or performance.

Only the Chairman of the Council, on the authority of the full Council, may give this level of warning.

7.4 Dismissal

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal.

Employees will be provided, in writing, with the:

- reasons for dismissal
- date that employment will end
- confirmation of all final payments owed, including holiday pay and notice pay
- right of appeal

The Clerk will keep a copy of the written warning but it will be disregarded for disciplinary purposes after twelve months as long as the employee achieves and maintains satisfactory conduct or performance. If, whilst a final warning is still in force, conduct or performance remains unsatisfactory and the employee still fails to reach the prescribed standards, this will normally result in dismissal.

Dismissal may be taken only by the Chairman of the Council on the authority of the full Council.

8. Gross Misconduct

8.1 An employee may be dismissed without the operation of the above warnings procedure if an offence is deemed to be gross misconduct.

8.2 If, on completion of the investigation and the subsequent disciplinary hearing, the Presiding Officer is satisfied that the employee has committed an act of gross misconduct the result will normally be summary dismissal without notice or any payment in lieu of notice.

8.3 This action may be taken only by the Chairman of the Council on the authority of the full Council.

8.4 Examples of Potential Gross Misconduct

The following list provides examples of offences, which are normally regarded as gross misconduct, although each case will be considered on its own particular merits and circumstances:

- Theft, fraud, deliberate falsification of records;
- Fighting, assault or threats of violence against another person;
- Deliberate and serious damage to Council property;
- Serious incapability through alcohol or being under the influence of illegal drugs, with regard to any specific policies in place;
- Serious negligence, which causes unacceptable loss, damage or injury;
- Serious act of insubordination;
- Serious discrimination or harassment against another employee, customer or service user;
- Unauthorised entry to computer records;
- Deliberately accessing Internet sites containing offensive or obscene material
- Serious breach of the Council's policy on use of the Internet;
- Bringing the Council into serious disrepute;
- A serious breach of Health and Safety rules;
- Serious breach of the Official Code of Conduct for Local Authority Employees or that of Wiltshire Council;
- Disclosure of confidential information that could potentially seriously prejudice the interests of the Council.

This list provides examples only and is not exhaustive. It is impossible to anticipate every situation where gross misconduct may occur or to prescribe that on every occasion one of the cases listed above occurs, it will be judged to be gross misconduct.

The employee might be suspended while an investigation is carried out. Suspension is when an employee is told to temporarily stop working. The employee would be on full pay throughout any suspension period.

Each situation will be carefully investigated before a decision is made to suspend the employee. Suspension will not be needed for most investigations. Suspension does not necessarily mean that the employee has done anything wrong and will not be used as discipline or punishment

8.5 We understand being suspended might be stressful so we will:

- only suspend you if there's no other option
- support you throughout the suspension period, always considering your mental health and wellbeing

9.0 **Appeals**

An employee who wishes to appeal against the formal disciplinary action taken under the Disciplinary Procedure must write to the Chairman of the Council, to be received within five working days of receiving written confirmation of the

disciplinary action, stating the reasons for the appeal, which may fall within one or more of the following categories: -

- (a) The disciplinary sanction imposed is considered excessive for the nature of the offence/ misconduct that took place or inconsistent with the treatment that has applied to other employees in similar circumstances;
- (b) Insufficient consideration was given by the Presiding Officer at the disciplinary hearing to the particular mitigating circumstances of the employee; or
- (c) The disciplinary hearing did not take into account or was not aware of significant items of information or evidence before reaching its decision.

9.1 Appeals will be dealt with under the Council's Disciplinary Appeals Procedure, as set out in Annexe to Appendix 1 to the document. Any written information to be relied upon by either party should normally be disclosed to each other a minimum of two working days (Monday to Friday) before the hearing.

ANNEXE TO APPENDIX 1:

PROCEDURE FOR DISCIPLINARY HEARING OR STAGE 1 APPEAL

- (a) The hearing will be heard by a Panel comprising a relevant sub Committee Chairman assisted by a member of the Disciplinary Sub-Committee.
- (b) The investigating officer will put the case in the presence of the employee and his/her representative and may call witnesses.
- (c) The employee (or his/her representative) will have the opportunity to ask questions of the investigating officer and any witnesses who are called by that person.
- (d) The investigating officer will have the opportunity to re-examine witnesses.
- (e) The Panel may ask questions of the investigating officer and witnesses.
- (f) The employee (or his/her representative) will put his/her case in the presence of the investigating officer and may call witnesses.
- (g) The investigating officer will have the opportunity to ask questions of the employee and any witnesses.
- (h) The employee (or his/her representative) will have the opportunity to re-examine witnesses.
- (i) The Panel may ask questions of the employee and any witnesses.
- (j) Witnesses will only stay in the room whilst they are giving evidence or are being questioned. They will leave the room as soon as they have finished.
- (k) The investigating officer and the employee (or his/her representative) may sum up their cases if they so wish.
- (l) The investigating officer and the employee and his/her representative and witnesses will withdraw.
- (m) The Panel will consider the facts in private, only recalling the investigating officer and the employee to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
- (n) The Panel will announce the decision to the parties orally or in writing as may be determined. An oral announcement will be confirmed in writing in five working days.

Laverstock & Ford Parish Council

PERS24.010c

GRIEVANCE POLICY

Purpose	To set out a Code of Practice
Scope	Employees
Date adopted	
Minute Ref:	
Previous	
Next Review	
Policy Owner	Personnel Committee
Supersedes	None

1. Introduction

1.1 This policy is based on and complies with the ACAS Formal Grievance Procedure (21 May 2024). It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

2. Scope

2.2 The following procedure applies to all employees, parish councillors and other official within the Laverstock and Ford Parish Council.

3. Informal Grievance Procedure

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

4. Formal Grievance Procedure

4.1 If it is not possible to resolve the grievance informally, the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the Parish Council, who will begin an investigation.

5. Investigation

5.1 The Chair of the Parish Council will appoint a sub-committee of three members to investigate the grievance. The sub-committee will appoint a Chair from one of its members. No Councillor with direct involvement in the matter shall be appointed to the sub-committee.

5.2 The sub-committee will investigate the matter before holding a grievance meeting, which may include interviewing others (e.g. employees, Councillors or members of the public).

6. Notification of Grievance Meeting

6.1 Within five working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The subcommittee's letter will include the following:

- the names of its Chair and other members
- a summary of the employee's grievance based on his/her written submission
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the council received the grievance
- the employee's right to be accompanied by a trade union representative or colleague
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

7. Principals

7.1 This policy confirms that employees have the right to be accompanied or represented at a grievance meeting or appeal by a trade union representative or work colleague. The representative/colleague will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The representative/colleague cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.

7.2 The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their representative/colleague must make all reasonable efforts to attend. If the employee's representative/colleague 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.

7.3 Any changes to specified time limits must be agreed by the employee and the Council. An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.

7.4 Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the Data Protection Act 1998.

7.5 Recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition.

7.6 If an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.

7.7 If a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith.

7.8 The Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.

8. Grievance Meeting

At the grievance meeting:

- the Chair will introduce the members of the sub-committee to the employee
- the employee (or representative/colleague) will set out the grievance and present the evidence
- the Chair will ask the employee what action does he/she want the council to take
- any member of the sub-committee and the employee (or the representative/colleague) may question any witness
- the employee (or representative/colleague) will have the opportunity to sum up the case
- the Chair will provide the employee with the sub-committee's decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the council will take and of the employee's right to appeal
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee

9. Appeal

9.1 If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Parish Council. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

9.2 Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

9.3 The Appeal will be heard by a panel of three members of the Parish Council committee who have not previously been involved in the case. There may be insufficient members of the Parish Council who have not previously been involved. If so, the appeal panel will be a committee who may include Wiltshire Councillors. The appeal panel will appoint a Chair from one of its members.

9.4 The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a trade union representative or colleague.

9.5 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 employee's reasons for appealing against the decision of the grievance subcommittee.
- explain the action that the appeal panel may take

9.6 The employee (or his/her representative/colleague) will be asked to explain the grounds of his/her appeal.

9.7 The Chair will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting

9.8 The appeal panel may decide to uphold the decision of the Grievance committee or substitute its own decision.

9.9 The decision of the appeal panel is final.

Laverstock & Ford Parish Council

Scheme of Delegations

PERS24.011

Date last amended	20 th May 2024
Date adopted	20 th May 2024
Minute Reference	24.072
Date of next review	May 2025

1. Subject to the matters reserved to the full Parish Council, **Standing Committees** are delegated with the powers and duties described below.
2. **Advisory Committees** which may be established from time to time, may consider matters within their remit and make recommendations to Council but may not take decisions in their own right. All Standing Committees and Advisory Committees will operate under Council Standing Orders and be accessible to the public. All members may attend all committees if they wish but may only vote at committees of which they have been designated a member. All members are entitled to be a designated member of at least one committee.
3. **Working groups** (sub groups) may be established from time to time to work on specific projects or issues and may include non-members of the Council. Working Groups will not take decisions in their own right but report to a standing committee or to the Parish Council which will take appropriate decisions within their remit. Working Groups are informal and do not operate under standing orders. Councillors are however bound by the Code of Conduct when working on behalf of the Council in all fora whether full Council Committee or Working Group.
4. **The Parish Clerk** is delegated with the powers and duties identified subject to a subsequent report of actions taken to the Parish Council or to the appropriate standing committee.

1. PARISH COUNCIL

Meets Monthly

- 1.1. Chair –elected at the annual Parish Council Meeting
- 1.2. Members- All Councillors,
- 1.3. Administration Parish Clerk and/or Deputy Parish Clerk
- 1.4. Attending Parish Clerk, Deputy Parish Clerk and other staff as required.
- 1.5. Considers all matters reserved as outlined below plus recommendations from committees and individual councillor motions.

Matters reserved within Standing Orders.

- 1.5.1. Any special or general directions which the Parish Council may give from time to time.
- 1.5.2. Any relevant statutory provisions not mentioned below.
- 1.5.3. The following specific matters shall also be determined by the Full Council.
 - 1.5.3.1. Adoption of the Council’s Strategic Plan and approval of the implementation

programme.

- 1.5.3.2. Powers reserved in respect of the Council's Finances including: -
- Final adoption of the forward plan and the annual budget of the Council and the precepts on Wiltshire Council.
 - Schemes involving capital expenditure, outside that which has already been approved in the annual budget. When a scheme has been approved and the estimated cost agreed by the Full Council the appropriate Committee may proceed with it subject to any tender accepted not exceeding the approved estimate.
 - Approval of the Parish Council's annual return and receipt of its audit reports.
 - Determine applications for grants subject to all applications being considered on their merits and in accordance with the agreed grants process.
- 1.5.3.3. To review Parish Council Policies, Procedures and Processes and ensure that they are up to date, fit for purpose, consistent and appropriate
- 1.5.3.4. To determine all personnel policy matters, except any that may be delegated to the Personnel Sub Committee and personnel matters delegated directly by Full Council to the Parish Clerk
- 1.5.3.5. To determine Parish Council planning policy and the response to planning applications except decisions delegated to the Parish Clerk in consultation with members of the appropriate ward.
- 1.5.3.6. The disposal of any freehold land (other than minor adjustments of boundaries).
- 1.5.3.7. The granting or taking of a Leasehold interest in any land.
- 1.5.3.8. The appointment of Committees and representatives on outside bodies.
- 1.5.3.9. The appointment of a Parish Clerk
- 1.5.3.10. The revision of any scale of charges for any service.
- 1.5.3.11. The making of byelaws.
- 1.5.3.12. Any matter of major policy or of sufficient interest or novelty that any three members request that it be debated by Full Council through a motion raised in accordance with standing orders.
- 1.5.4. The Council will receive minutes/reports from standing Committees at the first appropriate meeting following the committee. Reports will be taken as read unless members identify matters for debate.
- 1.5.5. The Council will receive a report from the Parish Clerk at each meeting. Reports will be taken as read unless members identify matters for debate.

STANDING COMMITTEES

2. Finance and General Purposes Committee.

Standing Committee with day to day responsibility for overseeing the Council's finances, and swift implementation of any projects delegated by the full council. Meets monthly two weeks before Full Council and otherwise as required.

- **Chair – Chair of the Council**
 - **Members-**

- Chair of the Council
- Chair of Operations Working Group
- Chair of Communications and Community Engagement Working Group
- Two other council members
- **Attending- Parish Clerk/RFO**
- **Administration -Deputy Parish Clerk**

- 2.1. Day to day oversight of the Parish Council's Finances within the established budget.
- 2.2. Considers reports on financial matters presented by the RFO.
- 2.3. Undertakes a periodic review of financial Risk assessment and insurances.
- 2.4. Oversees Budget preparation for final approval by the Council.
- 2.5. Oversees preparation of the annual return before final approval by the council
- 2.6. Receives and oversees the response to internal and external audits
- 2.7. Undertakes initial action on council responsibilities designated within Financial Regulations and not reserved to the full council or delegated to another committee.
- 2.8. Review of Overall Financial Performance. Makes recommendations for improvements to full council.
- 2.9. Management of any project or programme specifically delegated to it by the Parish Council.
- 2.10. Institute, defend or settle any judicial or quasi-judicial proceedings on behalf of the council and engage legal representatives as required.
- 2.11. Submits Minutes/Reports to the Full Council

3. Personnel Committee

Standing committee with delegated authority for personnel matters not otherwise delegated to the Clerk.

Meets as required but not less than 2 times a year.

- **Chair – Appointed by the Council at the Annual Parish Council Meeting not being a chair of any other committee**
- **Members- Chair of the Council**
- **Two other council members**
- **Administration- Parish Clerk**

- 3.1. Forms a panel for any recruitment of the Parish Clerk.
- 3.2. Conducting the Parish Clerk's annual performance appraisal. (minimum of 3 members)
- 3.3. Receives reports from the Clerk on staff appraisals.
- 3.4. Holds meetings as required with the Parish Clerk to discuss any issues or concerns and report to the Parish Council.
- 3.5. Consider any grievances raised by the Parish Clerk.
- 3.6. To appoint, if necessary, a suitably qualified professional to conduct the investigations and/or hearing in the event that disciplinary action needs to be taken against the Parish Clerk.
- 3.7. Considers appeals in staff grievance and disciplinary matters following action by the Clerk.
- 3.8. Authority to dismiss staff failing to satisfactorily complete a probation period.
- 3.9. To settle disciplinary matters in accordance with the agreed Disciplinary Policy.
- 3.10. To receive any grievances against the Parish Clerk.
- 3.11. To authorise, if necessary, an independent professional to conduct any investigations as a result of a grievance or appeal.

- 3.12.To authorise commencement of any action or appeal before an industrial tribunal or in any court.
- 3.13.Consider any other matters delegated to it by the Parish Council
- 3.14.Oversee the development and implementation of employment policies subject to approval by the full council
- 3.15.Submits Minutes/Reports to the Full Council

WORKING GROUPS – Terms of Reference

4. Operations Working Group.

Working group focusing on projects and improvements for Council Property, Outdoor Services Play and Leisure provision.

Meets as required usually 4 times a year

Chair – Appointed by the Council at the Annual Parish Council Meeting not being a Chair of any other committee or Working Group

Members -Not less than three members appointed by the Council at the Annual Parish Meeting, plus non-members as agreed by the council.

Attending- Parish Clerk and Deputy Parish Clerk as required

Staffing – Operations Officer

- 4.1. Recommend to the Parish Council the strategic priorities for all outdoor services.
- 4.2. Consider reports by Operations Officer relating to the ongoing operation of the outdoor services.
- 4.3. Consider all matters relating to definition and implementation of the Parish Council's Environmental Strategy and make recommendations to council.
- 4.4. Oversight of Management all Council Property.
- 4.5. Oversight of Management of all Parish Council recreational and leisure facilities.
- 4.6. Oversight of Provision, siting and maintenance of bins, bus shelters and benches.
- 4.7. Oversight of service level agreements with other bodies on operational matters.
- 4.8. Oversight of any project or programme at the request of the Parish Council.
- 4.9. Consideration of any other matters at the request of the Parish Council.
- 4.10. Submits reports and recommendations to the Full Council.

5. Communications and Community Engagement Working Group

Working Group focusing on Council Marketing, brand management, public relations, interaction and communication with the community and co-ordination of Council events

Meets as required usually 4 times a year

Chair – Appointed by the Council at the Annual Parish Council Meeting not being a Chair of any other committee or Working Group

Members -Not less than three members appointed by the Council at the Annual Parish Meeting, plus non-members as agreed by the council.

Attending- Parish Clerk and Deputy Parish Clerk as required

Staffing – Communications and Community Engagement Officer

- 5.1. Oversight, development and review of the Council's branding, communications and media programme
- 5.2. Oversight of Council communications media including social media, Council website, Newsletter and noticeboards.
- 5.3. Ensure consistent branding on signage at all Council property
- 5.4. Oversight, development and review of the Council's media relations activity, process for responding to events and for briefing the news media of Council policies and programmes.
- 5.5. Oversight, development and review of the Council's community engagement programme
- 5.6. Act as focal point for the management of Community events staged by the Parish Council
- 5.7. Oversee the development of the Council's Annual report.
- 5.8. Oversight of any project, programme or other matter at the request of the Parish Council.

PARISH CLERK

6. The following matters are delegated to the Parish Clerk.
 - 6.1. Acting as Proper Officer as defined by Standing Orders.
 - 6.2. Day to day management of the Parish Council and its resources subject to committee and council oversight.
 - 6.3. Signs all official correspondence arising from resolutions of the Council. Receives all correspondence addressed to the council.
 - 6.4. General personnel management of Parish Council employees in accordance with Council policy, including appraisal, training and first stage in discipline and grievance procedures.
 - 6.5. Carrying out expenditure within the delegated spending limits specified within the financial regulations,
 - 6.6. Discretion to agree up to five days special leave with pay in any one year for compassionate or other grounds i.e. bereavement, family illness, (compassionate leave in excess of five days up to ten days is subject to approval of the Personnel Sub Committee).
 - 6.7. Determination of the Council's response, in conjunction with ward members of any routine planning applications. Ensuring that all significant planning matters are brought to the attention of the full council.
 - 6.8. Parish Clerk has reasonable discretion on a day to day basis to interpret Council policy to achieve reasonable outcomes providing that action taken shall in all cases be reported to the next appropriate meeting of the Full Council. Also where possible or appropriate committee chairs and/or the council chair will be consulted.

RESPONSIBLE FINANCIAL OFFICER

7. The following matters are delegated to the Responsible Financial Officer.
 - 7.1. Undertakes all duties designated to the RFO within financial regulations.
 - 7.2. Carrying out expenditure within the delegated spending limits specified within the financial regulations
 - 7.3. To deputise for the Parish Clerk in all matters in the event of their absence

8. *Urgent Business*

In all cases where urgent decisions are required and unless otherwise provided, the Parish Clerk shall, from time to time, after consulting the Chair of the relevant Committee concerned (or, in his/her absence, the Vice Chair of the Committee); or the Chair of the Council (or, in their absence, the Vice Chair) and where appropriate the Ward Members, take all necessary steps for protecting the interests of, or advancing the business of the Parish Council, providing that action taken shall in all cases be reported to the next appropriate meeting of the Full Council.

7 General Policy

- 7.1 The minimum number of members to which any action shall be delegated is three.
- 7.2 The Parish Council may appoint members or officers to attend a meeting, or meetings, of another local authority or body as a representative of the Parish Council. He/she shall be formally appointed by the Council as its representative.
- 7.3 Any member or officer appointed by the Parish Council to attend a meeting of another authority or body shall represent the views of the Parish Council at that meeting unless they make it clear that the views expressed are their own and not necessarily representative of the Parish Council
- 7.4 Unless formally appointed as a council spokesperson, no member or officer shall make statements to any news media purporting to represent the views of the Parish Council. Otherwise members and officers should at all times make it clear that any views expressed are their own and not necessarily representative of the Parish Council.
- 7.5 Where appropriate, reports to Committees and the Parish Council should include a Parish Clerk's recommendation.
- 7.6 All reports to Committees or Parish Council should indicate the resource and financial implications of the matter and if there are no financial implications that should also be stated.
- 7.7 The Clerk will maintain and report to council not less than each quarter, a record of all resolutions taken by the council and progress made towards implementation.

Reviewed 20th May 2024