

West Swindon Parish Council Employee Code of Conduct

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Part 1 – General Provisions

Introduction and interpretation

- 1. (1) This Code applies to **you** as an employee of West Swindon Parish Council.
 - (2) It is your responsibility to comply with the provisions of this Code.

Scope

2. This Code sets out the conduct that is expected of you as an employee of the authority when you are wearing the Parish Council uniform and when you are at work.

General obligations

- 3. (1) You must treat others with respect.
 - (2) You must not—
 - (a) do anything which may cause your authority to breach any acts of legislation
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings
- 4. You must not disclose information publicly through social media, conversation or email that is given to you in confidence by anyone including members of the public Councillors or the Parish office staff.
- 5. You must not conduct yourself in a manner which could reasonably negatively affect the Parish Council's reputation.
- 6. You must not use your status as an employee of the Parish Council for any type of financial or economic advantages or personal gain.

Part 2 -

Gifts and Hospitality

As an employee of the Parish Council, you may find that you are in a position to receive gifts or hospitality. There are some circumstances where this is acceptable, for example,

- Normal and modest refreshment in connection with any meeting you are attending because you are an employee(e.g. tea, coffee and biscuits)
- Small low value gifts (below £25.00 such as chocolate, wine, diaries, flowers and souvenirs and gifts from other public bodies

If you receive or are offered any kind of reward or gift that could have a value over £25.00 you will have to declare this to the Parish Office. In the event of this happening, please speak to your supervisor or the Parish Office staff. You must not accept any gifts or offers without the formal agreement of your employer.

Dealing with the public

Depending on the job that you do, day to day you may be stopped by members of the public who may want to comment on the work that you are doing or ask information. You may also receive other communications such as phone calls, texts, emails, and letters.

Any dealings you have with the public must be polite, respectful and honest. You must remember that when you are wearing your uniform, you are representing the Parish Council. If you have any problems and in most situations, you can ask the public to contact the Parish Office staff directly.

You must make every effort to keep yourself safe and away from verbal abuse or conflict. If you have any concerns, you should speak to your supervisor immediately.

Dealing with Parish Councilors

Parish Councillors are elected every four years to represent the interests of the people in their area and to make decisions that will benefit the local community. It is the role of all Parish employees to respect the decisions that are made and for each employee to deliver their work for the Parish Council to the best of their ability.

All staff should remember that Councillors should be treated with courtesy and respect, the same as you would give to any member of the public. In return, Councillors should not give instructions to any member of staff. If you receive an instruction, you should ask the Councillor to contact the Parish Office staff in the first instance.

Councillors may want to stop and talk to you about your work and find out how you are getting on. You are able to speak freely to your Councillors, however, you should not raise any problems or issues that you have not already raised with your supervisor or the Parish office staff.

The Parish Council has a complaints procedure and grievance procedure. These will be explained to you as part of your induction and both are there to support you if something has gone wrong. If you need any help or assistance you can always speak to the Parish Council's Clerk.



West Swindon Parish Council Disciplinary Policy

Introduction

1 This policy is based on and complies with the 2015 ACAS Code of Practice

(<u>http://www.acas.org.uk/index.aspx?articleid=2174</u>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

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

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at https://www.acas.org.uk/index.aspx?articleid=6608
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion a workplace colleague, a trade union representative or a trade union official at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
 - the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend.
 Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting

will be given the opportunity to be represented and to make written submissions

- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

Examples of misconduct

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
 - unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
 - bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.

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

Examples of unsatisfactory work performance

- 9 The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
 - inadequate application of management instructions/office
 procedures
 - inadequate IT skills
 - unsatisfactory management of staff
 - unsatisfactory communication skills.

The Procedure

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

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

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

Disciplinary investigation

- 12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage the disciplinary meeting (see paragraph 22).
- 15 The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 17 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or

- the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

- 22 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors, to formally hear the allegations. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
- 23 No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub–committee's letter will confirm the following:
 - the names of its Chairman and other two members
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
 - a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
 - the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
 - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
 - that the employee may be accompanied by a companion a workplace colleague, a trade union representative or a trade union official

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

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chairman will invite the employee to present their account

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up
- 24 The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

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

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time, dependent on the nature of the matter, But not less than 12 months.

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified

period of time, dependent on the nature of the matter, but not less than 12 months.

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.
- 27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
- 29 The grounds for appeal include;
 - a failure by the Council to follow its disciplinary policy
 - the sub-committee's disciplinary decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.
- 30 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

- 32 At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
 - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

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West Swindon Parish Council Grievance Policy

Introduction

- 1. This policy is based on and complies with the 2015 ACAS Code of Practice (http://www.acas.org.uk/index.aspx?articleid=2174). It also takes account of the ACAS guide on discipline and grievances at work (https://www.acas.org.uk/media/1043/Discipline-andgrievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf) 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. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
- 3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion 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 companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits 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

- 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 General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- 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
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- 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 consent of affected parties
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of West Swindon Parish council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination

 If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against the council or a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Informal grievance procedure

4. 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 manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

- 5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
- 6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

- 7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
- 8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

- 9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
 - o findings of the investigation if there has been an investigation
 - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

- 10. At the grievance meeting:
 - the Chairman will introduce the members of the subcommittee to the employee
 - the employee (or companion) will set out the grievance and present the evidence
 - the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
 - any member of the sub-committee and the employee (or the companion) may question any witness
 - the employee (or companion) will have the opportunity to sum up the case
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the subcommittee.
- 11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually 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.

The appeal

- 12. 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 Chair of the staffing committee within ten working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal. It is good practice to inform the Parish Manager that an appeal has been lodged.
- 13. Appeals may be raised on a number of grounds, e.g.:
 - a failure by the Council to follow its grievance policy
 - o 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.
- 14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.
- 15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally 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 workplace colleague, a trade union representative or a trade union official.
- 16. At the appeal meeting, the Chairman will:
 - o 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 staffing sub-committee
 - o explain the action that the appeal panel may take.
- 17. The employee (or companion) will be asked to explain the grounds of appeal.
- 18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- 19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
- 20. The decision of the appeal panel is final.

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West Swindon Parish Council Mobile Phone Policy

1. Scope

This Policy applies to:

• All West Swindon Parish Council owned mobile phone users on the Parish Council mobile phone account.

2. Supplier

West Swindon Parish Council has an agreement with a mobile phone provider for the supply of all mobile phones to its staff, **for business use only**, on the respective digital network.

3. Support Function

The support function is provided from the Parish office. The Parish office is responsible for the purchase and distribution of mobile phones given to staff and for the processing of calls related to loss, theft or damage to mobile phones.

4. Joining West Swindon Parish Council

The following criteria need to be satisfied for the allocation of a Parish Council mobile phone:

- If your post requires it, i.e. the availability of a Parish Council mobile phone is crucial to you for the effective performance of your duties,
- Where an office based land line will be insufficient or inconvenient,
- Where the line manager agrees the necessity for the phone and accepts liability for the charges.

You will be allocated a mobile phone number, handset, SIM card, wall charger and manual at the time of joining. Your line manager must sign any request on your behalf for the allocation of a Council mobile phone. An additional request with line manager, business case justification is required for hands free equipment. This equipment will remain <u>your</u> responsibility until such time as you leave the Parish Council's employment, or it is decided that a mobile phone is no longer necessary to your post. The mobile phone number will remain allocated to you during your employment with the Parish Council.

A form will be supplied to you once you have received your mobile phone, listing all equipment supplied to you and the date of supply. This form must be signed by you, confirming acceptance of your responsibilities. This must be returned to the Parish office.

The Parish office administers the mobile user profile. It is your responsibility to ensure the mobile phone is charged and operational within your working hours.

The Parish Office may recall your phone for inspection at any point.

5. Repairs, Faults and Other Problems

Vodafone offer West Swindon Parish Council a direct customer support service. All enquiries, faults and problems are dealt with by the Parish office.

Vodafone also offer a recovery service to replace any faulty equipment. This service is only available through the Parish office. For this service to operate smoothly, it is essential that you remember the following points:

- Please ensure you return your handset,
- Please remove all security codes, SIM PIN's and Phone PIN's,
- Please ensure you copy all your contacts from your handset onto your SIM,
- Return all above items to either the Parish office or your Supervisor
- This service will take approximately 5 working days.

6. Theft and Damage to Mobile Phones

Do not leave your mobile phone in an unattended vehicle; this includes vehicles parked in any car park, in a garage or on a driveway. Phones must not be locked in the boot, glove box or any compartment of your vehicle under any circumstances.

Please do not leave your handset unaccompanied at any time, i.e. in a briefcase, handbag, coat pocket, van or mower, unless it is in a secured area.

Replacement digital mobile phones are expensive. You may be charged for the full cost of the replacement of your business phone and associated equipment, in the following circumstances:

- Replacing stolen or lost handsets, which have not been secured as requested above,
- Loss of items of general equipment (wall chargers, in-car chargers, etc.) due to misplacement,
- Replacement of damaged parts other than due to general wear and tear,
- Equipment that is not returned on departure from the Parish Council's employment,

Charges may vary; these can be established once a report has been made to the Parish office.

Failure to adhere to the Parish Council's policy on any subsequent occasion may result in the mobile phone facility being withdrawn from the person concerned.

Theft or loss of any handset must be reported immediately to the Parish office.

If the phone has been **mislaid**, possibly lost then report this and a temporary bar can be placed on the phone. If it is found later then the bar can be removed without any problem – better safe than sorry!

Immediately reporting a **lost** phone will enable a bar to be placed on the phone to prevent unauthorised use. Failure to bar a phone that is known to be lost will result in the user being charged for any unauthorised calls made.

8. Leaving West Swindon Parish Council

Please note the following points:

- If you leave West Swindon Parish Council your business mobile phone must be returned to the Parish office during your last working day;
- If any items are missing or not returned, for whatever reason, the Parish Council's policy is that you may be charged for the cost of replacement.

The mobile phones are the property of Vodafone and they request that all phones should be returned in the same livery (covers) as when provided. Please ensure that the original front cover of the phone is replaced upon its return. Also please remove all personal PIN codes and any stored numbers in your mobile phone's phone book before returning to the Parish office.

9. Payment of Supplier Invoices

Vodafone will charge your mobile bill on a monthly basis. Vodafone will send all invoices to the Parish, where they will be checked prior to payment.

Mobile phone bills will also be subject to checks by Internal Audit.

10. Mobile Phone Usage

Mobile phones are provided for business use only. Personal calls and Text messages should only be made in situations of emergency or difficult personal circumstances. You should note the following conditions:

- Vodafone supply the Parish Council with an itemised monthly statement for every mobile phone issued. The Parish office will be able to identify any apparent excessive use of the phone and you may be required to justify the monthly statement in total or specific calls identified on the itemised statement. Any amounts that cannot be properly justified will be deducted from your next month's salary payment
- 2. Any abuses of the system, particularly involving the use of premium rate numbers or a high incidence of personal calls, may result in action being taken by individual line managers. This may include disciplinary procedures or the withdrawal of the mobile phone facility.

11. Use of Mobile Phones Outside the U.K.

Use of the mobile phone outside of the UK is not permitted.

12. Tax Liability

From 6th April 1999 there has been no tax liability on the benefit of having a Council mobile phone, when all calls are for business purposes only.

Leanne Curtis 27/04/2020

13. PIN Code protection, Phone PINS and Security Codes

All users are required to enter security codes into their phones, e.g. Key Locks, SIM PINS, Phone PINS and Mailbox Security codes on your handset to prevent unauthorised use. These codes (and any changes) must be logged with the Parish office.

NB: You are only allowed 3 attempts at entering any code before disabling the handset! Should this occur, contact either the Business support unit or the Telecoms Unit immediately.

14. General Information

14.1 Business calls on privately owned mobile phones

Business calls made on privately owned mobile phones will **not** be reimbursed to employees who have been issued with a company mobile phone on the Vodafone Corporate account.

14.2 Health

Scientific evidence available to date has not conclusively demonstrated a significant health risk from the **normal**, as distinct from excessive, use of mobile phones, although there are a number of ongoing concerns, with research in several areas being continued;

- There is no firm evidence yet that electromagnetic fields cause cancer or effects on memory and other brain functions, under **normal** conditions of use;
- There is no firm evidence that so-called 'shielding' devices or use of headsets provide any additional protective benefit;
- The use of the fixed phone-line method of communication, wherever practical, will remove any risk, should it exist.

Research into possible health effects is continuing on a number of fronts. Staff will be kept informed of any recommendations being made as a result of these studies.

Please note the following safety restrictions on the use of mobile phones:

- Many hospitals do not allow the use of mobile phones on their premises as they can
 interfere with sensitive electronic equipment; consequently the Parish Council policy
 will be that staff visiting hospitals, for whatever reason, must switch off their phones
 whilst on the hospital premises;
- It is an offence in law to use a mobile phone at on an aircraft. You are **required** to switch off your phone from the time you enter the boarding ramp to the time you complete disembarkation at your flight destination;
- The use of a mobile phone on a petrol station forecourt is strictly prohibited, as the signals from the phone can ignite vapours; mobile phones must be switched off while the member of staff is on a petrol station forecourt;
- You are required to switch off your mobile phone, for safety reasons, if you are involved in an evacuation of your building due to a fire alarm or bomb threat.

14.3 Use of Mobile Phones in vehicles

The law was changed on 1 December 2003 regarding the use of mobile phones in vehicles.

The following policy has been adopted by West Swindon Parish Council:

Be sure of not breaking the law

When using a mobile phone facility in a vehicle **no calls** are to be made by the driver of the vehicle whilst the vehicle is in motion. All outgoing calls must be made when the vehicle is stationary and parked safely

In order to ensure that all officers conform to the new regulations, if you have been issued with a Parish Council mobile phone, you will now be required to adhere to these new guidelines. Failure to do so may result in disciplinary action being taken by the Parish Council and/or prosecution by the Police.

Remember; to be sure of not breaking the law:

Ignition On – Phone Off

If this is not possible because you are required to be contactable by phone, the following guidelines are for your protection:

- The phone must sit in a fixed cradle not on the seat of the vehicle or in your lap
- If your handsfree kit is wire and an ear piece, it must have an integral button to accept incoming calls
- Wherever possible set the phone for automatic answering

It is the driver's responsibility to ensure safety, remember

- Keep calls short and simple
- Tell callers that you are driving and may need to break off your conversation suddenly
- Whenever possible, turn the phone off and stop at regular intervals to check for voice/text messaging

While driving you must not:

- Hold the handset
- Read text messaging
- Respond by text messaging
- Make an outgoing call unless the phone is voice activated

Remember, it is your responsibility to drive safely and within the law. The Police will be enforcing this new regulation but even if you follow the guidelines regarding using the phone on the move, you can still be prosecuted for dangerous driving and driving without due care and attention.

To check that your handsfree kit is approved or if you require help with setting up and activating voice mail, or have any questions regarding the above, please contact the Parish office.

If any reports are received of Parish Council staff using mobile phones whilst driving, appropriate action may be taken against them, depending on individual circumstances. This could, amongst other things, result in the mobile phone facility being withdrawn and/or disciplinary action being taken.

Private/unapproved hands-free kits should not be used for business use when driving. In some instances, hands-free kits are useful, and will only be provided to assist the employee to take and make calls when safely parked

This policy is designed to make clear to all mobile phone users that they have a duty to act in a safe and responsible way when making use of this equipment. The use of mobile phones has certain business advantages, but these will always be secondary to the safety of individuals, both Parish Council employees and the public at large.

Please return this form to the Parish office Mobile Telephone Control Form

I have received, read and understood the West Swindon Parish Council Mobile Phone Policy and Procedure.

Signature

I have kept a copy of the West Swindon Parish Council Mobile Phone Policy and Procedure for my records.

I understand my responsibilities as laid out in the document for the care of the equipment and the approved reasons for making calls on the phone.

Mobile Number:	
Issued to:	
Handset IMEI No:	
Sim Card No:	
Date of issue:	
Security Pin of Phone:	

Equipment issued:	Y/N	Received: Signature of recipient:
Handset	Y	
Manual	Y	
Wall Charger (interchangeable)	Y	
Rechargeable Battery	Y	
Hands Free	Y	

Signature of Recipient

Issued by:

Name:

Leanne Curtis 27/04/2020



West Swindon Parish Council Performance Improvement Policy

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Purpose and Scope

This procedure is designed to help and encourage employees to achieve and maintain standards of job performance which are acceptable to the council. The aim is to ensure consistent and fair treatment for all.

This document:

- Supports both us and you to bring about positive changes in work performance and attitude, when needed, and,
- Explains how we will deal with instances of performance that fall below our standards, in a fair and consistent way.

It applies to all staff following successful completion of a probationary period, whether full time, part time or temporary. It does not apply to volunteers or agency staff.

Principles

- Informal coaching and supervision will be considered to improve performance
- No formal warnings will be given until the causes of poor performance have been considered
- For formal warnings you will be advised of the nature of the poor performance and will be given the opportunity to state your case at a formal performance improvement meeting before any decision is made
- You will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- At all formal stages of the procedure you will have the right to be accompanied by a fellow employee or trade union representative
- You will have the right to appeal against any formal warnings issued

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the council, we may decide to use our disciplinary procedure instead.

Informal feedback

Before this procedure is engaged, you will receive feedback setting out the concerns about your performance and how it must improve. This procedure is designed to be used when such informal discussions do not lead to an improvement in your performance to an acceptable level.

Process

Where informal discussions have not led to an improvement in performance, the council will follow the following procedure.

First stage of formal procedure - first written warning

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, you will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

Having listened to your response, you may be issued with a first written warning for unsatisfactory performance if your performance does not meet acceptable standards. This will set out: -

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- You will be advised that it constitutes the first stage of the formal procedure and
- That the warning will remain on your file for at least 18 months

A record of the warning will be kept on your file.

If your performance improves to an acceptable level following the first meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 18 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts. Second stage of formal procedure - final written warning

If the concerns about your performance continue, you will be invited to a second formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, we will discuss the progress made following the first meeting and you will be given the opportunity to respond; and where training and development is appropriate this will be considered.

Having listened to your response, if your performance hasn't improved to a satisfactory level, you may be issued with a final written warning for unsatisfactory performance. This will set out: -

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- That the warning will remain on your file for 18 months
- Advise you that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on your file.

If your performance improves to acceptable level following the second meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after

18 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts. <u>Final stage of formal procedure – dismissal</u>

If the concerns about your performance continue, you will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting. The letter will also advise you that dismissal may be considered. At the meeting, we will discuss the progress made following the second meeting and you will be given the opportunity to respond. Having listened to your response, if your performance hasn't improved to a satisfactory level, dismissal will be considered, or where appropriate redeployment to an alternative role.

Any offer to redeploy you will be entirely at the council's discretion. Such an offer will be made only where there is a vacancy that we are confident you would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances in which we are satisfied that you should no longer be allowed to continue to work in your current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the council believes that there is no alternative role available and suitable for you, but that you have not met an acceptable standard of performance, we may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, you will be provided in writing with;

- Reasons for dismissal
- The date on which the employment will terminate
- The right of appeal

Appeals

If you wish to appeal against a formal warning or dismissal you must do so by writing to the Clerk within five working days. The Clerk will arrange for an appeal meeting to take place. Wherever possible, your appeal will be heard by a more senior officer or a subcommittee made up of councillors who have not previously been involved in the matter.

You have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative. At the appeal hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

Rescheduled meetings

If you fail to attend a scheduled Performance Improvement Meeting without satisfactory reason, we will reschedule the meeting. We will advise you that if you do not attend the rescheduled meeting without a satisfactory reason, we reserve the right to make a decision in your absence. We will however confirm that if you do not wish to attend the hearing, you may send written representations, join the hearing by telephone or send a representative on your behalf.

Right to be accompanied

You have the right to be accompanied by a work colleague or a Trade Union representative to all formal meetings in this procedure. The council will also consider requests to be accompanied to any investigation meetings.

A work colleague will be allowed time off to accompany you to the meeting and the council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they will not be treated to any detriment if they accept. However, the companion can decline a request.

It is your responsibility to ensure your companion is aware of the meeting arrangements and that they have any documentation in good time. If your chosen companion is not available at the time proposed for the meeting, you must provide us with alternative dates that you are both able to meet. These dates must be within the following five working days unless the council can agree to alternative arrangements.

If you and your representative are unable to meet with the council within a reasonable time, we will discuss alternative arrangements to enable you respond to the concerns. If we are unable to meet with you personally, this may mean that the council considers the concerns in your absence with your companion attending on your behalf or considering a written response.

Confidentiality and data protection

We aim to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a performance improvement matter.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the council to take notes.

The council processes any personal data collected during the performance improvement procedure in accordance with its data protection policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time. Date of policy: December 2019

Approving committee: Staffing

Leanne Curtis 04/05/2020

Date of committee meeting: Policy version reference: Supersedes: No previous editions Policy effective from: Date for next review:

- policy ends here -

Notes

This policy is designed to provide employers and employees with a consistent framework to improve performance. If performance does not improve to standards as reasonably expected by the council, this policy provides a procedure that can enable a fair dismissal. The procedure must be applied fairly and reasonably.

1. Scope

This policy does not apply to staff within their probationary period.

2. Reasonable adjustments

When managing performance, it may become apparent that an employee has a health condition that is covered by the Equality Act. You may need to ask consent from the member of staff to seek an Occupational Health (OH) report to better understand their health condition.

If the employee has a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities, the council will need to establish what adjustments may be required to support the employee in the workplace. OH will help you to understand what this could mean. The council will need to assess what changes can be reasonably made.

With regards to performance concerns, a reasonable adjustment could be to:

- allow an employee to work flexible hours to enable them overcome fatigue arising from their disability.
- reallocate minor duties because an employee has difficulty doing them because of a disability.
- Allow more time for an employee to complete a piece of work because of a disability.

Not considering making a reasonable adjustment to support an employee with a health condition covered by the Equality Act would amount to disability discrimination.

3. When to go formal

Day-to-day performance management is critical to ensure that you have a good understanding of the challenges a member of staff has, explore any training or support required, and provide positive and developmental feedback on performance.

When work isn't being done as you reasonably expect, it may be because there is a mismatched understanding, external difficulties that hinder performance, or a lack of skill or will. Until you have had that conversation, you may not know where the problem lies.

In the busy day-to-day work, there isn't always time to take a step back and reflect. Holding regular, monthly meetings with the staff member is important because it provides a space to discuss and better understand what the challenges are. If things are not going as you would like, these regular meetings are an opportunity to review and clarify your expectations. If this doesn't lead to improved performance, then you should explain the impact this is causing the council and emphasise the importance of what you need them to do. Using SMART objectives will give greater clarity on expectation (SMART - Specific, Measurable, Achievable, Realistic and Timebound).

If this doesn't lead to improved performance, discuss the reasons and decide whether it is sufficiently serious to proceed to the formal stage.

Note: It is quite common for managers to spend a lot of time in the informal stages, providing coaching and support for extended periods of time and then becoming exasperated, wanting to dismiss, if performance doesn't improve. Irrespective of the time spent informally managing the situation, employers are expected to have used all the formal stages of the procedure before getting to the point of dismissal.

4. How long is reasonable to wait before moving to the next formal stage?

This will depend on the nature of the improvement required. Some performance improvements can be made immediately (i.e. ensuring agendas are published with three full days' notice), whilst others may take longer (i.e. learning an accounts package to ensuring the budget is monitored and monthly reporting to the council).

5. Avoid bullying allegations

It is understandable that an employee may feel very uncomfortable when performance concerns are discussed. It is not unusual for an employee to believe (or claim to believe) that they are being bullied, and possibly raise a grievance. This is more likely to happen if the performance concerns have been going on for some time and not addressed. If the employee raises a grievance, the formal performance management process should be paused whilst the grievance is addressed.

There are a few ways to help reduce the risk of bullying allegations: -

- Where possible, share your concerns with a peer and get another view on whether your expectations are reasonable (ensuring there is no beach of data protection);
- Make sure that any positive performance is recognised and communicated (preferably supported in writing);
- Ensure feedback is specific and not presented with emotional or subjective language;
- Ensure you have the evidence to support your concern before raising the concern (where relevant);
- Ensure negative feedback is not given in open plan; arrange a meeting when you will have time to discuss the issues;
- Plan what you intend to say when giving feedback and stick to it having scripted bullet points will help you stick to the facts;
- Avoid raising concerns from third parties that you cannot substantiate;

- Where concerns are shared by others, encourage them to provide feedback directly (this is not appropriate if a more junior employee has voiced a concern)
- Be selective; where there are numerous concerns, focus on the most important ones and 'park' the less serious;

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided. **Important notice**

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils. Please contact them on 01403 240 205 for information about their services.

West Swindon Parish Council Uniform: Policy and Procedure

Uniform will be reviewed annually, and it is your responsibility to look after it and keep it in a clean and well-kept condition, please report any damages to the Parish Office, if the damage is non work related, you may be asked to replace at your own cost.

West Swindon Parish Council have a contract with Michael's workwear to supply your uniform.

Annually, you are entitled to:

- 1 x Pair of Work Boots
- 2 x Pairs of Work Trousers
- 5 x T-Shirts or Polo Shirts
- 1 x Fleece you may have 2 fleeces and no jumper
- 1 x Jumper you may have 2 jumpers and no fleece
- 1 x High Visibility Jacket
- 1 x High Visibility Vest
- 1 x Pair of Wellington Boot Socks
- 1 x Winter Bobble Hat
- 1 x Summer Peak Hat

Please use the box below to indicate your choice of uniform and also relevant sizes, please note a copy of this will be made and placed in your employee file.

I confirm that I am in receipt of the above uniform items, and I understand that is my responsibility to ensure that it is kept in a clean and well-kept condition.

I understand that should I terminate my contract with West Swindon Parish Council then I will be required to return all branded uniform items.

Name _____

Date _____

Signed _____

West Swindon Parish Council Uniform: Policy and Procedure