

To Members of the Staffing Committee

You are hereby summoned to attend a meeting of the **STAFFING COMMITTEE** to be held on **MONDAY 29 APRIL 2024 at 19:00 HRS, in the EXHIBITION ROOM, THE CIVIC, HUDDERSFIELD ROAD, HOLMFIRTH, HD9 3AS**, for the transaction of the following business.

- AGENDA – (A)

Public question time. 7.00pm

Prior to the commencement of the business session of the Committee, there will be an open session lasting 15 minutes, for members of the public to speak to Members.

2425 01 Public Bodies (Admissions to Meetings) Act 1960 amended by Openness of Local Government Bodies Regulations 2014 7.15pm

The meeting will be video recorded and subsequently published on the **HOLME VALLEY PARISH COUNCIL's YouTube** channel.

To consider whether any other recordings are to be made.

2425 02 Apologies for absence. 7.20pm

Apologies and reasons received are emailed out to members for consideration prior to the meeting commencing.

TO CONSIDER: apologies for absence, reasons having been distributed beforehand.

2425 03 Items on the agenda to be discussed in private session 7.23pm

Members of the public will be excluded from the meeting during such items.

TO CONSIDER: whether any items on the agenda should be discussed in private session.

2425 04 Members' personal and disclosable pecuniary interests in items on the agenda. 7.25pm

Consideration will be given to members' personal and disclosable pecuniary interests in items on the agenda and noted.

TO RECEIVE: Members' personal and disclosable pecuniary interests in items on the agenda.

2425 05 Officers' interests in items on the agenda. 7.30pm

Consideration will be given to the interests in items on the agenda of any officer present.

TO RECEIVE: any officer's interests in items on the agenda.

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2425 06 Written requests for new DPI dispensations. 7.33pm

Any new DPI dispensations received are to be emailed out to the STAFFING COMMITTEE members under separate cover. If granted they will be noted by FULL COUNCIL in due course and a redacted version will be placed on HVPC website.

Clerk to report.

TO CONSIDER: any new DPI dispensations.

2425 07 Minutes for the Staffing Committee meeting on 13 November 2023, numbered 2324 14 to 2324 27. 7.35pm

TO NOTE: the Minutes of the STAFFING COMMITTEE MEETING held on 13 November 2023, numbered 2324 14 to 2324 27, *approved* at FULL COUNCIL MEETING held on 18 December 2023 **(B)**.

To receive information regarding ongoing matters arising from the approved minutes which do not appear under other agenda items including:

- i. External staffing roles review.
- ii. Parking permits.
- iii. Strategic priorities – clerking team time resource.
- iv. Business Continuity Plan.
- v. Any other matter arising.

Clerk to report further.

TO CONSIDER: any further action(s) arising from the minutes of the previous meeting of the STAFFING COMMITTEE, held on 13 November 2023.

2425 08 Staffing budget 2024-25 7.40pm

Thanks to the Deputy Clerk/RFO who has produced:

- a *Staffing – Expenditure against budget 2023-24 – Rialtas version* **(Cii)**,
- a *Staffing – Expenditure against budget 2023-24 – spreadsheet version* **(Ciii)** and
- a *Staffing – Projected expenditure against budget 2024-25 – spreadsheet version* **(Civ)**.

The *RFO report on staffing costs 2023-24 and 2024 -25* **(Ci)** is being sent out under separate cover to members as it contains sensitive information.

TO NOTE: Contents of staffing expenditure reports for 2023-24 and projected staffing expenditure for 2024-25.

TO CONSIDER: Any actions arising from the Staffing budget reports.

2425 09 National Pay Award 2024-25 - update 7.45pm

All officers are employed in line with national local council conditions as set out in the Green Book and are paid on the National Joint Council pay spine. The 2023-24 pay award was confirmed as late as November 2023 and, as the Deputy Clerk/RFO has suggested in his report, it is anticipated that this year's pay award, due from April 2024, may be significantly delayed.

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The three unions involved put in a joint submission towards the end of February and that now awaits a National Employers' response. Given that unions will then wish to consult with their membership it is likely that any pay award may not be agreed until later in 2024. When implemented, any pay increases will need to be backdated to April 2024 and be paid at the next possible pay point.

TO NOTE: Clerk's update on the National Pay Award 2024-25.

TO CONSIDER: any further actions arising from the update.

2425 10 Employment Law update

7.50pm

The clerk to report further to the written update *Employment Law – summary of changes from April 2024 (D)*.

TO NOTE: Clerk's update on changes to Employment Law.

TO CONSIDER: any further actions arising from the update.

2425 11 Clerking team – Disclosure and Barring Service checks

7.55pm

All 3 members of the Clerking team have recently completed basic DBS checks and are awaiting certificates.

TO NOTE: DBS basic checks completed by all 3 officers at request of HVPC.

2425 12 Human Resources Policies – for review

8.00pm

The following adopted Human Resources Policies are available from the HVPC website:

POLICY	ADOPTION DATE	NOTES
Disciplinary	16-12-2019 Full Council	For review at Staffing 29-04-2024
Grievance	16-12-2019 Full Council	For review at Staffing 29-04-2024
Whistleblower	21-09-2020 Full Council	For review at Staffing 29-04-2024
Equality and Diversity	21-09-2020 Full Council	For review at Staffing 29-04-2024
Annual Leave	21-09-2020 Full Council	Due for review Staffing 21-10-2024
Sickness and Absence	21-09-2020 Full Council	Due for review Staffing 21-10-2024
Home Working	21-09-2020 Full Council	Due for review Staffing 21-10-2024
Training and Development	06-02-2023 Full Council	Due for review Staffing 20-01-2025
Recruitment and Selection	06-02-2023 Full Council	Due for review Staffing 20-01-2025
Employer Discretion Statement	07-07-2014 Full Council	Due for review Staffing 20-01-2025
Pensions	21-09-2020 Full Council	Due for review Staffing 20-01-2025

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Presented at this meeting for review are:

- Disciplinary Policy **(Ei)**;
- Grievance Policy **(Eii)**;
- Whistleblowing Policy **(Eiii)**;
- Equality and Diversity Policy **(Eiv)**.

Each of these has been reviewed in line with the latest NALC model policy.

Clerk to report further.

TO CONSIDER: Recommending to ANNUAL COUNCIL the updated *Disciplinary Policy* as presented.

TO CONSIDER: Recommending to ANNUAL COUNCIL the updated *Grievance Policy* as presented.

TO CONSIDER: Recommending to ANNUAL COUNCIL the updated *Whistleblowing Policy* as presented.

TO CONSIDER: Recommending to ANNUAL COUNCIL the updated *Equality and Diversity Policy* as presented.

All other policies will be presented for re-adoption at the Annual Council Meeting on 13 May 2024 as currently presented on the website and reviewed on the date indicated in the table.

2425 13 Appraisal/supervision 2023-24

8.10pm

All three members of the clerk team have signed contracts of employment. Job descriptions are in place and time sheets are submitted in a standard format.

The clerk to report further.

TO CONSIDER: update on appraisal/supervision 2023-24 and plans for 2024-25.

TO RECEIVE: any appraisal statements of performance completed since 13 November 2023.

TO CONSIDER: any further actions arising from the update.

2425 14 Pay awards

8.15pm

Pay awards for the clerking team fall into three categories:

- Contractual incremental annual pay awards – awarded from 1 April each year subject to satisfactory performance reviews (appraisal) and allocated pay ranges for each member of the team.
- National pay awards – the HVPC utilises the National Joint Council for Local Government Services (NJC) Pay Spine. A national pay award is yet to be confirmed for April 2024. Once confirmed the salary increase due to be paid should be backdated to 1 April 2024.
- Additional points awarded for specific performance matters such as gaining additional recognised qualifications.

Clerk to report further.

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TO CONSIDER: arrangements regarding any pay awards due to members of the clerk team.

2425 15 Other staffing matters 8.20pm

Clerk to report on other staffing matters including Time Off In Lieu, Annual Leave etc.

TO CONSIDER: any actions arising from other staffing matters, as reported.

2425 16 Training received by Officers 8.25pm

Clerk to report.

TO NOTE: training received by Officers since the STAFFING COMMITTEE MEETING on 13 November and **APPROVE** any upcoming training.

TO CONSIDER: Any other action resulting from the report on officer training.

Close of meeting 8.30pm

Jen McIntosh

Mrs J McIntosh
Clerk to the Council

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**STAFFING COMMITTEE
MONDAY 13 NOVEMBER 2023**

PRESENT: Cllr Dixon (in the Chair), Cllr Baylin, Cllr Blacka, Cllr Colling, Cllr Greaves, Cllr Green, Cllr Wilson

APOLOGIES AND REASONS APPROVED: Cllr Whitelaw

ABSENT WITHOUT APPROVAL: none.

OFFICER TAKING MINUTES: Jen McIntosh CLERK

APPROVED MINUTES

Public question time.

No members of the public were present to speak to Members.

Cllr Dixon welcomed members to the meeting.

2324 14 Public Bodies (Admissions to Meetings) Act 1960 amended by Openness of Local Government Bodies Regulations 2014

The meeting was being video recorded and subsequently published on the **HOLME VALLEY PARISH COUNCIL's YouTube** channel, with items heard in private session redacted.

There were no requests for any other recordings are to be made.

2324 15 Apologies for absence.

Apologies and reasons received were emailed out to members for consideration prior to the meeting commencing.

APPROVED: apologies and reason for absence from Cllr Whitelaw.

Cllr Green as Vice-Chair of CACE attended in place of Cllr Whitelaw in line with Standing Orders.

2324 16 Items on the agenda to be discussed in private session

Members of the public were to be excluded from the meeting during such items and the public recording released redacted as necessary.

RESOLVED: to consider items 2324 23, 2324 24, 2324 25 and 2324 26 in private session as they were likely to reference named employees.

2324 17 Members' personal and disclosable pecuniary interests in items on the agenda.

There were no members' personal and disclosable pecuniary interests in items on the agenda declared.

2324 18 Officers' interests in items on the agenda.

NOTED: the Clerk's interests in items 2324 20, 2324 23, 2324 24 and 2324 26 on the agenda.

Approved at FULL COUNCIL 18-12-2023

SIGNED: _____ CHAIR

HOLME VALLEY PARISH COUNCIL

2324 19 Written requests for new DPI dispensations.

NOTED: a new DPI dispensation from Cllr Colling had been distributed prior to the meeting and would be considered at a meeting of the FULL COUNCIL on 18-12-2023.

NOTED: DPI dispensations for members of the clerking team as distributed prior to the meeting. These would be shared with councillors but not be posted to the HVPC website.

The above was a new initiative introduced as part of the Council's commitment to openness and transparency.

2324 20 Minutes for the Staffing Committee meeting on 17 July 2023, numbered 2324 01 to 2324 13.

NOTED: the Minutes of the STAFFING COMMITTEE MEETING held on 17 July 2023, numbered 2324 01 to 2324 13, **APPROVED** at FULL COUNCIL MEETING held on 9 October 2023.

The Clerk updated the Committee regarding Minute 2324 10 Action for the Clerk to investigate possible reinstatement of Kirklees parking permits for the staff team. A further report on this was to be prepared for the STAFFING COMMITTEE meeting on 15 April 2024.

2324 21 Appointment of vice chair of the Staffing Committee

At the Annual Council meeting in May 2023 the appointment of the vice chair of the Staffing Committee had been delegated to the Committee.

Standing Orders state that any eligible councillor (having served 2 years on Full Council) on this committee can be elected as vice chair. Custom and practice in recent years has been that the serving Chair of the Full Council serve as vice chair of this committee.

This matter had been **DEFERRED** from the meeting on 17 July 2023.

RESOLVED: that Cllr Blacka be appointed as vice chair of the Staffing Committee to serve throughout the remainder of the council year 2023-24.

Cllr Dixon expressed his willingness to be put forward as Chair of the STAFFING COMMITTEE for the Council Year 2024-25.

2324 22 Holme Valley Parish Council strategic priorities – feedback from the clerk team

Holme Valley Parish Council Chair had requested feedback from all committees to assist in a review of the Council's strategic aims. The clerk team were to have an input into this process through providing feedback to the Staffing Committee.

The Clerk reported that:

- This had been discussed by the clerk team.
- The team wished to record their thanks to all committee chairs for their effective working with the clerk team.
- The team were supportive of the work undertaken to establish key actions and discussions of timelines and also of the clear recognition that staff time is of itself a resource that needs aligning to priorities.

Approved at FULL COUNCIL 18-12-2023

SIGNED: _____ CHAIR

HOLME VALLEY PARISH COUNCIL

There was an understanding that committee chairs had a role in ensuring committees remained focused on their identified priorities. It was for the Clerk to manage what the clerk team worked on and, where necessary, challenge requests that entailed a time cost and were not reflective of priorities.

2324 23 Appraisal/supervision 2022-23 and 2023-24

This item was heard in private session.

NOTED: update from the Clerk regarding appraisal/supervision as presented.

RECEIVED: the statements of performance for both the Clerk and Deputy Clerk for 2022-23 as presented.

NOTED: the Assistant Clerk had successfully completed the six-month probationary period.

Members conveyed their congratulations to the Assistant Clerk.

The Clerk's appraisal had trialed an approach to obtaining feedback from councillors regarding performance.

An action for the Clerk and Staff Development and Performance Lead was to review the process used in line with feedback from the meeting and incorporate that into a new procedure to be used for all members of the clerk team from 2024 onwards.

2324 24 Pay awards for the clerk team

This item was heard in private session.

RESOLVED: to approve all the arrangements regarding pay awards due to members of the clerk team as set out in the Responsible Financial Officer's report.

To include:

- Salary uplifts for each of the clerk team in line with national salary awards, payable from 1 April 2023.
- The addition of an incremental pay point for the Clerk backdated to 1 April 2023.
- Payment in December 2023 of backdated, accrued pay for each officer.
- A recommendation to FULL COUNCIL to disestablish the EMR Staff Pay of £5,500 and return remaining funds to general reserves.

2324 25 Other staffing matters

This item was heard in private session.

A completed accident form was shared with the STAFFING COMMITTEE. No further action was needed.

Actions for the Clerk arising from this item were:

- To liaise with HVLC over potential movement of files to archive/digitisation of files so as to create further HVPC storage space in the Exhibition Room and assist in accommodating the reconfiguration of the office.
- Clerk team to discuss and develop a Business Continuity Plan.
- Clerk to investigate and liaise with STAFFING COMMITTEE regarding special leave arrangements

Approved at FULL COUNCIL 18-12-2023

SIGNED: _____ CHAIR

HOLME VALLEY PARISH COUNCIL

for the clerk team.

2324 26 Staffing budget 2023-24 and budget planner 2024-25

This item was heard in private session.

Thanks to be conveyed to the Deputy Clerk/RFO whose reports were used to inform discussions about the projected Staffing Budget for 2024-25.

NOTED: Contents of staffing budget reports.

APPROVED: Recommendation to FINANCE AND MANAGEMENT COMMITTEE for a Staff Expenditure Budget 2024-25 of £90,000 to include Staff Training Budget of £2,300.

This budget represents a 6% increase on the 2023-24 budget to take into account any potential pay uplifts to be awarded in 2024-2025.

In line with Standing Orders the Staff Training budget for 2024-25 was to include an additional £800 to allow for the possibility that the Assistant Clerk might opt to undertake the CiLCA qualification during the financial year 2024-25.

2324 27 Training received by Officers

The Clerk gave a verbal report on training received by officers and training planned.

NOTED AND APPROVED: training received by Officers since the STAFFING COMMITTEE MEETING on 17 July 2023 and upcoming training planned, including the possibility of the Assistant Clerk enrolling for CiLCA in 2024/25.

An action for the Clerk was to liaise with the Chair of Staffing and the Staff Development and Performance Co-ordinator regarding any further training for the clerk team to be undertaken before the next STAFFING COMMITTEE meeting on Monday 15 April.

The meeting closed at 8.45pm.

Detailed Income & Expenditure by Budget Heading 31/03/2024

Month No: 12

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>110 Staff Expenditure</u>								
4000 Salaries	6,035	73,293	79,792	6,499		6,499	91.9%	
4005 Employer's N.I	519	6,357	0	(6,357)		(6,357)	0.0%	
4010 Employer's Pension	477	5,618	0	(5,618)		(5,618)	0.0%	
4015 Student Loan	0	60	0	(60)		(60)	0.0%	
4060 Staff Training	33	2,556	1,500	(1,056)		(1,056)	170.4%	
Staff Expenditure :- Indirect Expenditure	<u>7,064</u>	<u>87,884</u>	<u>81,292</u>	<u>(6,592)</u>	<u>0</u>	<u>(6,592)</u>	<u>108.1%</u>	<u>0</u>
Net Expenditure	<u>(7,064)</u>	<u>(87,884)</u>	<u>(81,292)</u>	<u>6,592</u>				
Grand Totals:- Income	0	0	0	0			0.0%	
Expenditure	7,064	87,884	81,292	(6,592)	0	(6,592)	108.1%	
Net Income over Expenditure	<u>(7,064)</u>	<u>(87,884)</u>	<u>(81,292)</u>	<u>6,592</u>				
Movement to/(from) Gen Reserve	<u>(7,064)</u>	<u>(87,884)</u>						

Income & Expenditure against Budget 2023-24

CODE	DESCRIPTION	Starting Budget	Virements	Reconcile 2022-23	April	May	June	July	August	September	October	November	December	January	February	March	Year End	Total	Payments from EMR	Movements to from General Reserve	Year-End Funds Remaining	CODE
<u>110</u>	<u>Staff Expenditure</u>																					<u>110</u>
4000	Salaries	91.86%	£79,792	£0.00	£0.00	£5,165.37	£5,627.27	£5,627.26	£5,702.57	£5,655.86	£7,148.11	£5,655.86	£8,977.85	£6,035.25	£6,035.25	£6,035.25	£0.00	£73,293.16	£0.00	£73,293.16	£6,498.84	4000
4005	Employer's NI		£0	£0.00	£0.00	£603.15	£258.60	£462.75	£473.14	£466.69	£672.62	£466.69	£933.40	£519.05	£519.05	£519.05	£0.00	£6,356.94	£0.00	£6,356.94	£6,356.94	4005
4010	Employer's Pension		£0	£0.00	£0.00	£299.59	£326.38	£444.55	£494.22	£450.50	£446.81	£564.70	£714.00	£476.78	£476.78	£476.78	£0.00	£5,617.90	£0.00	£5,617.90	£5,617.90	4010
4015	Postgrad Loans Repayment		£0	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£60.00	£0.00	£0.00	£0.00	£0.00	£60.00	£0.00	£60.00	£60.00	4010
	Total Staff costs	106.94%	£79,792	£0.00	£0.00	£6,068.11	£6,212.25	£6,534.56	£6,584.23	£6,569.36	£8,385.43	£6,569.36	£10,685.25	£7,031.08	£7,031.08	£7,031.08	£0.00	£85,328.00	£0.00	£85,328.00	£85,328.00	
4060	Staff Training	170.39%	£1,500	£0.00	£0.00	£0.00	£650.10	£60.00	£0.00	£505.00	£0.00	£508.40	£263.00	£50.00	£486.00	£33.40	£0.00	£2,555.90	£0.00	£2,555.90	£2,555.90	4060
	Total Staff Expenditure	108.11%	£81,292	£0.00	£0.00	£6,068.11	£6,862.35	£6,594.56	£6,584.23	£7,131.21	£6,569.36	£7,077.76	£10,948.25	£7,081.08	£7,517.08	£7,064.48	£0.00	£87,883.90	£0.00	£87,883.90	£87,883.90	

Projected Expenditure against Budget 2024-25

Holme Valley Parish Council

CODE	DESCRIPTION	Starting Budget	Virements	Reconcile 2023-24	April	May	June	July	August	September	October	November	December	January	February	March	Payments from EMR	Total	Remaining	
EXPENDITURE																				
<u>110 Staff Expenditure</u>																				
4000	Salaries	98.88%	£87,700	£0	£0.00	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£0.00	£86,716.92	£983.08	4000
4060	Staff Training	18.13%	£2,300	£0	£0.00	£417.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£417.00	£1,883.00	4060
	Total Staff Expenditure	96.82%	£90,000	£0	£0.00	£7,643.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£7,226.41	£0.00	£87,133.92	£2,866.08	

HOLME VALLEY PARISH COUNCIL

Holmfirth Civic Hall
Huddersfield Road
Holmfirth HD9 3AS



FOR: STAFFING COMMITTEE MTG 29-04-2024

DATE: 23-04-2024

FROM: Jen Mcintosh – Clerk

Employment Law – summary of changes from April 2024

(YLCA webinar 16-04-2024)

Changes due to **Employment Relations (Flexible Working) Act 2023**, provisions of which came into force 1 April 2024.

Changes include:

- Greater entitlement to request a change to
 - number of hours worked
 - start and finish times
 - request home working

Also:

- Any holiday to be rolled over into next year.
- Carers' leave – bookable – 1 week's unpaid leave in a 12-month period.

To note:

- i. These are all now entitlements from day 1 of employment.
- ii. Employees can make 2 change requests in any year.
- iii. Any request must be followed by a 2/3-week consultation including an initial meeting to discuss the request.
- iv. Concludes with a meeting to convey decision (with reasons if change is denied).
- v. Decision must then be put in writing.
- vi. There are 6 grounds for refusing but these must be backed with hard evidence.
- vii. Refusal reasons are:
 1. Additional cost to the council;
 2. Damage to parishioner service;
 3. Inability to share work out amongst other staff;
 4. Damage to quality of work;
 5. Damage to performance;
 6. Inability to recruit staff to cover reduced hours.
- viii. Employee has right to internal redress through grievance (and possibly appeal).
- ix. Possibility that employee can resign and seek redress through an Employment Tribunal.
- x. Any contractual changes can be added as written addendum to employment contract.

Further changes coming in September/October 2024.

ENDS.



DISCIPLINARY POLICY

Version control

This policy is based on the latest National Association of Local Councils' model policy.

Adopted by Full Council , Holme Valley Parish Council on 16-12-2019

Reviewed by Staffing Committee 29-04-2024 (v.2)

Approved and Adopted by Annual Council 13-05-2024

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-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:
 - 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 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
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the [General Data Protection Regulation \(GDPR\)](#)
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary 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 an oral warning, written warning, final written warning or dismissal
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

Examples of misconduct

- 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 health and safety rules
- 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.

Disciplinary investigation

- 10 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 deal with the following:
- what 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.
- 11 The Investigator will be asked to submit a report within 20 working days of appointment. 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 (see paragraph 16).
- 12 The staffing committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 13 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 14 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.

- 15 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 taken.
- 16 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 there should be action under the Council's disciplinary procedure.
- 17 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
- 18 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

- 19 If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chair from one of its members. The Investigator shall not sit on the sub-committee. 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 Chair and other two members
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
 - a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure
 - the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she 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 five working days before the meeting
 - that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements must be submitted to the other side at least five working days before the hearing
 - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The disciplinary meeting will be conducted as follows:

- the Chair will introduce the members of the sub-committee to the employee
- the Investigator will present the findings of the investigation report
- the Chair will set out the Council's case and present supporting evidence (including any witnesses **and/or witness statements**)
- 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
- the Chair will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chair will also notify the employee of the right to appeal the decision
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

Disciplinary action

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

Oral warning

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- of the reason for the 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
- of the right to appeal
- that a note confirming the oral 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 six months.

Written warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A 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 12 months.

Final written warning

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, 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 18 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.

21 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.

22 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 imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

The appeal

23 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.

24 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

25 The Appeal will be heard by a panel of three members of the staff 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 Chair from one of its members.

- 26 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.
- 27 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 staffing sub-committee
 - explain the action that the appeal panel may take.
- 28 The employee (or companion) will be asked to explain the grounds for appeal.
- 29 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 hearing.
- 30 The appeal panel may decide to uphold the 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.
- 31 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.
- 32 The appeal panel's decision is final.

ENDS.



GRIEVANCE POLICY

Version control

This policy is based on the latest National Association of Local Councils' model policy.

Approved at Full Council 16-12-2019

Reviewed by Staffing Committee 29-04-2024(v.2)

Approved and Adopted at Annual Council 13-05-2024 (v.2)

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-and-grievances-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. 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

- 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)
- 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
- 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 Council's and the employee's consent.
- 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 [[] 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 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 Chair 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 Chair of the staffing committee.
6. The staffing committee 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.

Investigation

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

Notification

8. Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The sub-committee's notice 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 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 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.

The grievance meeting

9. At the grievance meeting:

- the Chair will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chair will ask the employee 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
- the Chair will provide the employee with the sub-committee's decision, in writing, within five working days of the meeting. which 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.

The appeal

10. 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 staffing committee. 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.

11. 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.

12. 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 staff committee. The appeal panel will appoint a Chair from one of its members.

13. 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 workplace colleague, a trade union representative or a trade union official.
14. 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 staffing sub-committee
 - explain the action that the appeal panel may take.
15. The employee (or companion) will be asked to explain the grounds of appeal.
16. 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.
17. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
18. The decision of the appeal panel is final.

ENDS.



HOLME VALLEY PARISH COUNCIL

Whistleblowing Policy

Version Control

This policy is based on the latest National Association of Local Councils' model policy.

Date of policy: Approved at Staffing Committee March 2020

Approving Committee: Full Council 21-09-2020

For review: Staffing Committee 29-04-2024

For approval and adoption: Annual Council 13-05-2024

Policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the council is reported and properly dealt with. We therefore require all individuals to raise any concerns that they may have about the conduct of others in the council. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for you to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. You have no responsibility for investigating the matter - it is the council's responsibility to ensure that an investigation takes place.

If you make a protected disclosure you have the right not to be dismissed, subjected to any other detriment, or victimised, because you have made a disclosure. We encourage you to raise your concerns under this procedure in the first instance.

Principles

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the council should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.
- No employee or other person working on behalf of the council will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.
- Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure our disciplinary procedure will be used, in addition to any appropriate external measures.
- Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the Clerk or the Chair of the Council.

Procedure

If you believe a Councillor has breached the councillor Code of Conduct, then raise it with the Chair of the Council. Concerns relating to an alleged breach of the councillor Code of Conduct will be referred to the Monitoring Officer for investigation.

This procedure is for disclosures about matters other than a breach of your own contract of employment, which should be raised via the Grievance Procedure.

Stage 1

In the first instance, any concerns should be raised with the Clerk, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The Clerk (or delegated officer) will take any necessary action, including reporting the matter to the Council, or any appropriate government department or regulatory agency. The Clerk (or delegated officer) will also invoke any disciplinary action if required. On conclusion of any investigation, insofar as confidentiality allows, you will be told the outcome and what the council has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Stage 2

If you are concerned that the Clerk is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of the Council. The Chair will arrange for a review of the investigation to be carried out, make any necessary enquiries.

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs

- The Health and Safety Executive
- The Environment Agency
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority

You can find the full list in The Public Interest Disclosure (Prescribed Persons) Order 2014: www.gov.uk/government/uploads/system/uploads/attachment_data/file/496899/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

Data protection

When an individual makes a disclosure, we will process any personal data collected in accordance with the data protection policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

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

ENDS.



EQUALITY AND DIVERSITY POLICY

Version control

This policy is based on the latest National Association of Local Councils' model policy.

First adopted by Full Council , Holme Valley Parish Council on 21-09-2020

Reviewed by Staffing Committee 29-04-2024 (v.2)

Approved and Adopted by Annual Council 13-05-2024

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Our commitment

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating,

hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment

The council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Working practices

The council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal opportunities monitoring

The council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council's privacy notices.

Dignity at work

The council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

People not employed by the council

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

Training

The council will raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will raise awareness of all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

Your responsibilities

Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Monitoring and review

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.

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

ENDS.