



GREAT CORNARD PARISH COUNCIL

Minutes of the Meeting of **GREAT CORNARD PARISH COUNCIL**
held at The Stevenson Centre at 7:00pm on Monday 4th July 2022

PRESENT Councillors	Mr T J Keane	Chairman
	Mrs C J Baker	Mr A C Bavington
	Mr M D Newman	Mr S M Sheridan
	Mrs P White	Mr C G Wright
Council Manager	Mrs N Tamlyn	
Council Administrator	Miss S Kent	

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs M Bark, Mrs T E A Welsh, Mrs J Wilson, K Graham, T M Welsh and D Young.

2. CHAIRMAN'S ADDRESS

The Chairman advised that he had attended Thomas Gainsborough School's Awards Day on behalf of the Parish Council. The event was well attended and he was well received and made to feel welcome.

The Chairman had completed week 2 of his Chairperson Leadership Training Course.

3. TO CONSIDER DECLARATIONS OF INTERESTS AND COUNCILLOR REQUESTS FOR DISPENSATIONS RELATING TO ITEMS ON THE AGENDA

Councillor Bavington declared a non-pecuniary interest in any item relating to Thomas Gainsborough School as he volunteers at the School and a family member is employed by the Trust.

4. DECLARATIONS OF GIFTS AND HOSPITALITY

NONE

5. TO CONFIRM THE MINUTES OF THE FULL COUNCIL MEETING HELD ON MONDAY 13TH JUNE 2022

AGREED that the Minutes of the Council meeting held on Monday 13th June 2022 are confirmed and signed as a correct record subject to the following change:

i) Page H22. Item 2 CHAIRMAN'S ADDRESS

FROM

The Chairman thanked Councillors for their work organising and running the Jubilee Fete, it was nice to everyone working together.

TO

The Chairman thanked Councillors for their work organising and running the Jubilee Fete, it was nice to see everyone working together.

6. POLICE MATTERS

No Police Report has been received but Councillor Newman advised Members that there had been a nasty accident on Canhams Road which endorsed the need for the double yellow lines which the Parish Council have applied for.

7. TO RECEIVE DISTRICT AND COUNTY COUNCILLOR'S REPORTS

Councillor Newman had nothing to report.

8. TO CONSIDER ITEMS BROUGHT FORWARD – FOR NOTING

The Items Brought Forward list was **NOTED**.

9. FIFTEEN MINUTES FOR THE PUBLIC TO ASK QUESTIONS

At 7:07pm the Council invited electors of Great Cornard Parish Council to put questions to the Council.

As no electors were present the business of the meeting resumed at 7:07pm.

10. TO CONSIDER GRANT APPLICATIONS

The following Grants were **AGREED**

Under Section 137 LGA 1972

Suffolk Accident Rescue Service	£ 500.00
Kernos Centre	£1000.00
Fresh Start New Beginnings	£ 500.00

Under Section 142(2A) LGA 1972

Sudbury & District Citizens Advice Bureau	£1200.00
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Under Section 19 LGA 1972

Cornard United	£1000.00
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Under Section 27 LGA 1997

Rotary Club Sudbury	£ 400.00
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11. DEVELOPMENT AND PLANNING COMMITTEE

i) Confirmation and adoption of the Minutes of the meetings held on 13th and 27th June 2022

AGREED that the Minutes of the Development and Planning meetings held on Monday 13th and Monday 27th June 2022 are confirmed and signed as a correct record.

ii) Questions to Committee Chairman

NONE

iii) Ratification of recommended items

MINUTES FOR 13TH JUNE

PAGE 1. ITEM 4) TO RECEIVE A RESPONSE FROM BABERGH DISTRICT COUNCIL ON THE PLANNED CLOSURE OF THE FIVE BELLS PUBLIC HOUSE

To **RECOMMEND** to Full Council that it explores the possibility of nominating the Five Bells for inclusion on the Asset of Community Value (ACV) list and proceeds with the process if feasible. **AGREED**

Members agreed that it was important to try and register the Five Bells as an ACV and for the Council Manager to look into the process of nomination.

12. ART, SPORTS AND LEISURE COMMITTEE

i) Confirmation and adoption of the Minutes of the meeting held on 27th June 2022

AGREED that the Minutes of the Art, Sports and Leisure Committee meeting held on Monday 27th June 2022 are confirmed and signed as a correct record subject to the following change:-

FROM

A Member commented that the wording in relation to Danes Hole was historically inaccurate and suggested it be amended.

TO

A Member suggested that the order of words be amended to emphasise the importance of Danes Hole.

ii) Questions to Committee Chairman

NONE

iii) Ratification of recommended items

PAGE 3. ITEM 5.c) CORRESPONDENCE – Cornard Resident: Gainsborough Trail Interpretation Board in the Country Park

To **RECOMMEND** to Full Council for the Chairman to approve the amended wording and agree reasonable costings over and above that which the Council had already approved.

Funds for the amended Board would come from the Recreation Budget. **AGREED**

13. POLICY AND RESOURCES COMMITTEE

i) Confirmation and adoption of the Minutes of the meeting held on 27th June 2022

AGREED that the Minutes of the Policy and Resources meeting held on Monday 27th June 2022 are confirmed and signed as a correct record.

ii) Questions to Committee Chairman

NONE

iii) Ratification of recommended items

PAGE 1. ITEM 5.a) CORRESPONDENCE – Royal British Legion Poppy Wreath Request

To **RECOMMEND** to Full Council the purchase of a Badged 'C' Wreath at a cost of £18.50.

Funds to be allocated from the Administration Budget. **AGREED**

PAGE 2. ITEM 7. TO CONSIDER A QUOTATION FOR THE CCTV SERVICE CONTRACT AT THE BLACKHOUSE LANE PAVILION

To **RECOMMEND** to Full Council that the quote of £350 plus VAT for a service contract for the Blackhouse Lane CCTV cameras is accepted subject to the Council Manager obtaining clarification on the meaning of the phrase 'the system' used in the quote.

The Council Manager confirmed that the CCTV contractor had clarified that the phrase referring to 'the system' related to damage to the cameras by them being moved or vandalised and that she was happy with that explanation.

Funds to be allocated from the Blackhouse Lane Budget. **AGREED**

PAGE 2. ITEM 8. TO CONSIDER A QUOTATION FOR THE ANNUAL MAINTENANCE OF THE AUTOMATIC DOORS AT THE BLACKHOUSE LANE PAVILION



To **RECOMMEND** to Full Council that it accepts the quotation of £876 plus VAT for an annual maintenance contract for the automatic doors at the Blackhouse Lane Pavilion.

Funds to be allocated from the Blackhouse Lane Budget. **AGREED**

The Council Manager advised Members that an engineer had now visited the toilets and had found no fault with the lock. This visit was covered under warranty.

PAGE 3. ITEM 11. TO CONSIDER A QUOTATION TO CARRY OUT A LEGIONELLA SURVEY ON THE CORNARD UNITED CLUBHOUSE

To **RECOMMEND** to Full Council that they accept the quotation from Jordan Environmental of £725 plus VAT to carry out a Legionella Survey at the Cornard United Clubhouse subject to the Council Manager obtaining clarification on the Water System Risk Assessment and whether one is required.

The Council Manager has been in contact with Jordan Environmental who advise that unless the building use has changed, management hierarchy has changed or there has been a major change in the water system, no Water System Risk Assessment is required.

The Legionella Risk Assessment can be used by Cornard United to put in place a HSG274 L8 regime designed around the findings of the LRA. **NOTED**

Funds to be allocated from the Blackhouse Lane Budget. **AGREED**

PAGE 4. ITEM 12. FINANCIAL MATTERS ii) Cornard News: Increased printing costs

To **RECOMMEND** to Full Council to accept the increase in paper costs of £16 for Issue No. 90 and for the Council Manager to monitor the situation with the Treasurer over the coming months.

Funds to be allocated from the Administration budget. **AGREED**

The Chairman advised Members of the sad passing of the Editor of Cornard News, Michael Evans. Members **AGREED** for the Council Manager to arrange for flowers to be sent to his wife on behalf of the Parish Council.

iv) Ratification of recommended item deferred from the meeting held on 25th April 2022 regarding the adoption of five employment policies

- a) Grievance Procedure (Appendix A)
- b) Disciplinary Procedure (Appendix B)
- c) Capability Procedure (Appendix C)
- d) Anti-Harassment and Bullying Policy (Appendix D)
- e) Protocol Governing Councillor-Staff Relations (Appendix E)

To **RECOMMEND** to Full Council that all five Policies be adopted subject to Councillor Bavington silently making the Council Manager's minor amendments.

Councillor Bavington advised Members that the new Employment Policies had been amended and were as accurate as possible and put before the staff and Babergh District Councils Monitoring Officer and were now ready to be adopted by the Parish Council. **AGREED**

14. FINANCIAL MATTERS

i) To approve the latest list of payments (Appendix F)

Members reviewed the latest list of payments. **NOTED.**

Meeting closed at 7:58pm

Signed _____



Chairman

Cllr T J Keane

APPENDIX A



Great Cornard Parish Council Grievance Procedure

Introduction

1. This Grievance Procedure is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS Guide on Discipline and Grievances at Work. 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 with or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. The Council expects that grievances raised under this Procedure will be raised in good faith (paragraph 4H), and will not be frivolous, vexatious, defamatory or offensive.
3. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with the Council Manager.
4. The Grievance Procedure confirms:
 - A. Employees have the right to be accompanied or represented at a Grievance Meeting or Appeal Hearing 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 on, discuss, consider or resolve their grievance. The companion will be permitted to address the Grievance Meeting and, if appropriate, Appeal Hearing, to present the employee's case for their Grievance or 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 their case;
 - B. The Council will give employees reasonable notice of the time, date and venue of the Grievance Meeting and, if appropriate, Appeal Hearing. 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 may 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;
 - C. Any changes to specified time limits must be agreed by the employee and the Council;

- D. An employee has the Right of Appeal against the decision of their Grievance Meeting. The decision of the Appeal Hearing is final;
- E. Information about an employee's grievance will be restricted to those involved in the Grievance process. A record of the reasons for the grievance, the outcome of the grievance procedure and action taken is confidential to the employee and the Council. The employee's Grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR);
- F. Audio or video recordings of the proceedings at any stage of the Grievance Procedure and by any means (e.g., mobile phone) are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of the employee's medical condition;
- G. If an employee who is already subject to a disciplinary procedure raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure;
- H. If a grievance is not upheld, no disciplinary action will be taken against an employee simply for raising a grievance if they raised the grievance in good faith (paragraph 2);
- I. The Council may consider mediation, where appropriate, at any stage of the Grievance Procedure (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 all affected parties if it is to be attempted;
- J. Employees can use all the stages of the Grievance Procedure unless the grievance is a Code of Conduct complaint about a councillor. Employees can use the informal stage of the Council's Grievance Procedure (paragraph 5) to deal with all Grievance issues, including a complaint about a councillor;
- K. 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 may contact the Monitoring Officer of Babergh District Council who will inform the employee whether or not the complaint can be dealt with under the Code of Conduct. If it is not a Code of Conduct complaint, the employee may make a formal complaint under the Council's Grievance Procedure (paragraph 6);
- L. 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 discrimination, harassment, bullying or victimisation of any kind;
- M. If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with the Council Manager at the informal stage of the Grievance Procedure

(paragraph 5). The Council will consider whether it should take further action in the matter in accordance with any of its employment policies (for example its Health and Safety Policy or its Anti-Discrimination, Harassment, Bullying and Victimisation Policy) or in accordance with the Code of Conduct regime.

Informal Grievance Procedure

5. 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 the Council Manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee's grievance is with the Council Manager, the employee should raise it with the Council Chairman or Vice Chairman. If the employee's complaint is about a councillor, it may be appropriate for the Chairman or Vice Chairman to involve that councillor at the informal stage. This would require both the employee's and the councillor's consent. The Council Manager or Council Chairman, as appropriate, will try to resolve the complaint at the informal level.

Formal Grievance Procedure

6. 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 against a councillor (see paragraphs 4 J-M above), the employee may submit a formal Grievance. It should be submitted in writing to the Council Chairman.
7. The Council Chairman (or Vice Chairman if the Chairman is complained of) will appoint a Grievance Panel of two councillors who are not members of the Policy and Resources Committee to hear the grievance with them. The Grievance Panel shall be chaired by the Council Chairman or Vice Chairman. No councillor with direct involvement in the matter shall be appointed to the Grievance Panel.

Investigation for and Consultation to the Grievance Panel

8. If the Grievance Panel decides that it is appropriate, for example, if the grievance is complex, it may appoint an investigator to carry out an investigation before the Grievance Meeting takes place in order to establish the facts of the case.
9. The Council Manager shall be appointed as the investigator unless they are ineligible by virtue of being complained of or otherwise already having material involvement in the grievance, for example as a witness to relevant events, in which case the Panel may appoint a Consultant from outside the Council's staff, seeking the advice of the Suffolk Association of Local Councils or the Monitoring Officer of Babergh District Council on the appointment.
10. The person appointed to conduct the investigation shall be professionally competent to do so and to advise the Grievance Panel both on their findings of

fact and on the application of Grievance Procedure itself and on the range of possible solutions which may be available to the Panel;

11. The Consultant may conduct interviews, for example with the employee submitting the grievance, any employee or councillor aggrieved of, other employees, councillors or members of the public.
12. The Consultant will summarise their findings in writing and present them to the Grievance Panel.
13. The Grievance Panel may ask the Consultant to attend the Grievance Meeting in order to answer any questions of fact which may arise orally during the course of the meeting, and on the application of the Grievance Procedure itself and the range of possible solutions which may be available to the Panel. The Consultant may ask questions which elucidate the issues raised for the Panel but must not make judgements or express opinions which tend to lead the Panel towards particular conclusions.

Notification

14. Normally within 10 working days of the Council receiving the employee's grievance, the employee will be invited in writing to attend a Grievance Meeting.
15. The written notification will include the following:
 - I. The names of the Chairman and other members of the Grievance Panel;
 - II. The date, time and place of the meeting. The employee will be given reasonable notice of the meeting, which will normally take place within 25 working days of the date when the Council received the grievance;
 - III. The employee's right to be accompanied or represented by a workplace colleague, a trade union representative or a trade union official;
 - IV. A copy of the Council's Grievance Procedure;
 - V. Confirmation that witnesses may attend or submit written witness statements on the employee's behalf and that, if so, the employee should provide the names of their witnesses as soon as possible before the meeting, usually with at least two days' notice;
 - VI. Confirmation that the employee will provide the Council with any supporting evidence such as written witness statements in advance of the meeting, usually with at least two days' notice;
 - VII. If there is to be an investigation, the name of the Consultant, the method and timeframe of the investigation, and when in advance of the Panel meeting the employee will receive the written findings of the investigation, which should not be fewer than two days;
 - VIII. An invitation for the employee to request any reasonable adjustments to be made for the hearing (for example where the employee has a medical condition).

The Grievance Meeting

16. At the Grievance Meeting:
 - a. The Chairman will introduce the members of the Grievance Panel and the Consultant to the employee;
 - b. The employee (or companion) will set out the grievance and present the evidence, including written witness statements and the statements of any witnesses attending the Meeting in person;
 - c. The Chairman and other members of Grievance Panel may ask the employee questions about the information presented and will want to understand what action they want the Council to take;
 - d. The Chairman and other members of Grievance Panel may ask questions of any witness present in person;
 - e. The Consultant may ask questions of any witness present in person so as to clarify issues of fact in relation to their investigation which may have arisen orally during the meeting;
 - f. The employee (or companion) may ask questions of any witness present in person to clarify any issues which may have arisen orally during the meeting;
 - g. The employee (or companion) will have the opportunity to sum up the case;
 - h. The Meeting may be adjourned to allow matters that were raised during the meeting to be considered by the Grievance Panel in private.
17. The Chairman will provide the employee with the Grievance Panel'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 Hearing

18. If an employee decides that their grievance has not been satisfactorily resolved by the Grievance Panel, they may submit an appeal in writing to the Chairman of the Policy and Resources Committee (which is also the Human Resources Committee).
19. An appeal must be received by the Council within five working days of the employee receiving the Grievance Panel's decision and must specify the grounds of appeal.
20. Appeals may be raised on a number of grounds, for example:
 - i. A failure by the Council to follow its own Grievance Procedure;
 - ii. That the decision was not supported by the evidence;
 - iii. That the action proposed by the Grievance Panel is inadequate or inappropriate;
 - iv. That new evidence relevant to the grounds of appeal has come to light since the Grievance Meeting.

21. If new evidence is to be submitted to the Appeal Hearing, then a statement of its relevance to the grounds of appeal should be made to the Council before the Appeal Hearing, usually with at least two days' notice.
22. The Chairman of the Policy and Resources Committee (or the Vice-Chairman if the Chairman is complained of) will appoint an Appeal Panel of two other councillors who are members of the Policy and Resources Committee and who have not previously been involved in the process to hear the grievance with them. The Appeal Panel shall be chaired by the Chairman (or Vice Chairman) of the Policy and Resources Committee. No councillor with direct involvement in the matter shall be appointed to the Appeal Panel.
23. It is sometimes the case that the same individual councillor is both Chairman or Vice Chairman of the Council and Chairman or Vice-Chairman of the Policy and Resources Committee but they can participate in this process only **once**.
24. If the Chairman (or Vice Chairman) of the Policy and Resources Committee cannot appoint to the Appeal Panel two other members of the Policy and Resources Committee who have not previously been involved in the process, then they may substitute for members of the Policy and Resources Committee the appointment of other Council members, provided that they have not previously been involved in the process.
25. If the Chairman and Vice Chairman of the Policy and Resources Committee are both ineligible to serve on the Appeal Panel by virtue either of being complained of or of being previously involved in the process, then on the advice of the Consultant they will appoint a third member of the Policy and Resources Committee or, if necessary, the wider Council to substitute for them, provided that they have not previously been involved in the process.
26. If the Chairman and Vice Chairman of the Policy and Resources Committee are both ineligible to serve on the Appeal Panel, then the three members appointed (paragraphs 22, 24, 25) will decide which of them will chair the Appeal Panel for this particular appeal. Once chosen, the Appeal Panel Chairman will conduct the particular Appeal in accordance with this Procedure through to the end of the process.
27. Normally within 10 working days of the Council receiving the employee's appeal, the employee will be invited in writing to attend an Appeal Hearing.
28. The written notification will include the following:
 - I. The names of the Chairman and other members of the Appeal Panel;
 - II. The date, time and place of the meeting. The employee will be given reasonable notice of the meeting, which will normally take place within 25 working days of the date when the Council received the appeal;
 - III. The employee's right to be accompanied or represented by a workplace colleague, a trade union representative or a trade union official;

- IV. An invitation for the employee to request any reasonable adjustments to be made for the hearing (for example where the employee has a medical condition).

29. At the Appeal Hearing:

- a. The Chairman will introduce the members of the Appeal Panel to the employee;
- b. The Chairman will explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Grievance Panel;
- c. The Chairman will explain the actions that the Appeal Panel may take;
- d. The employee (or companion) will set out the grounds of the appeal and present any new evidence;
- e. The Chairman and other members of Appeal Panel may ask the employee questions about the information presented and will want to understand what action they want the Council to take;
- f. The employee (or companion) will have the opportunity to sum up the appeal;
- g. The Meeting may be adjourned to allow matters that were raised during the meeting to be considered by the Appeal Panel in private.

30. The Chairman will inform the employee that they will receive the decision and the Panel's reasons in writing within five working days of the Appeal Hearing.

31. The Appeal Panel may decide to uphold the decision of the Grievance Panel or substitute its own decision.

32. The decision of the Appeal Panel is final.

33. In the event that there are not enough eligible members to serve on either or both of the Grievance Panel and the Appeal Panel by virtue of being complained of themselves or otherwise of prior involvement in the process, the Council Manager shall contact the Monitoring Officer of Babergh District Council and seek either:

- a. A dispensation to enable sufficient members to act in the matter; or if this is not possible
- b. The advice of the Monitoring Officer in appointing an independent Grievance Panel to hear the grievance or an independent Appeal Panel to hear the appeal or both as appropriate.

Note. For the most part, the third person plural (e.g., they, them, their) is used to refer to all genders.

Adopted: 4th July 2022

APPENDIX B**Great Cornard Parish Council
Disciplinary Procedure****Introduction**

- 1 This Disciplinary Procedure is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on Discipline and Grievances at Work. It is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 2 The Disciplinary Procedure confirms:
 - A. The Council will fully investigate the facts of each case;
 - B. The Council recognises that misconduct and unsatisfactory work performance are different issues. The Capability Procedure may 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, this Disciplinary Procedure may be used when performance management proves ineffective;
 - C. Employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case;
 - D. Informal coaching and supervision will be considered, where appropriate, to improve conduct and/or attendance;
 - E. Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a Disciplinary Hearing;
 - F. Employees have the right to be accompanied or represented by a companion, who may be 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 their case;
 - G. The Council will give employees reasonable notice of any meetings under this Procedure. Employees and their companions 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;

- H. 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;
- I. Any changes to specified time limits must be agreed by the employee and the Council;
- J. 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, the outcome of the disciplinary procedure and the action taken is confidential to the employee and the Council. The employee's Disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR);
- K. Audio or video recordings of the proceedings at any stage of the Disciplinary procedure and by any means (e.g., Mobile phones) are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of the employee's medical condition;
- L. If an employee who is already subject to a disciplinary procedure raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure;
- M. Employees have the Right of Appeal against any disciplinary decision. The appeal decision is final;
- N. Disciplinary action taken by the Council can include a verbal warning, a written warning, a final written warning or dismissal;
- O. This Procedure may be implemented at any stage if the employee's alleged misconduct warrants this;
- P. 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;
- Q. 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;
- R. 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 Unsatisfactory Work Performance

- 3 The following list contains some examples of unsatisfactory work performance. The list is not exhaustive.
- a. Inadequate application of management instructions or office procedures;
 - b. Inadequate execution of IT or other skills;
 - c. Unsatisfactory management of staff;

- d. Unsatisfactory communication skills with managers, colleagues, councillors, suppliers, contractors or the public.

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.
 - a. Unauthorised absence;
 - b. Poor timekeeping;
 - c. Misuse of the Council's resources and facilities including telephone, email internet usage and abuse of any other electronic media, for example, social media;
 - d. Inappropriate behaviour;
 - e. Refusal to follow reasonable instructions;
 - f. 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.
 - a. Discrimination, harassment, bullying and victimisation;
 - b. Incapacity at work because of alcohol or drugs;
 - c. Violent behaviour;
 - d. Fraud or theft;
 - e. Gross negligence;
 - f. Gross insubordination;
 - g. 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;
 - h. Serious and deliberate damage to property;
 - i. Use of the internet or email to access pornographic, obscene or offensive material;
 - j. Disclosure of confidential information.

Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the Council may decide to 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 the 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.
- 9 However, whatever the allegations, the Council has a duty of care to all its employees and will take all reasonable steps to ensure the welfare of a suspended employee.

The Procedure

- 10 Preliminary enquiries. The Council Manager 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.
- 11 If the Council 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.

Informal Disciplinary Procedure

- 12 Where minor concerns about conduct become apparent, it is the Council Manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the Council Manager. 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 Council Manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.
- 13 Many problems can be raised and settled during the course of everyday working relationships. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below. This will require good will from both parties.

Formal Disciplinary Procedure

- 14 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 15 The Council Chairman (or Vice Chairman if the Chairman is unavailable) will appoint a Disciplinary Panel of two councillors who are not members of the Policy and Resources Committee to hear the disciplinary case with them. The Disciplinary Panel shall be chaired by the Council Chairman or Vice Chairman. No councillor with direct involvement in the matter shall be appointed to the Disciplinary Panel.

Investigation for and Consultation to the Disciplinary Panel

- 16 In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an Investigator may not be necessary and the Disciplinary Panel may decide to commence disciplinary proceedings at the next stage - the Disciplinary Meeting (see below).
- 17 If the Disciplinary Panel decides that it is appropriate, for example, if the alleged disciplinary offence or offences is or are complex, it may appoint an Investigator to carry out an investigation before the Disciplinary Meeting takes place in order to establish the facts of the case.
- 18 The Council Manager shall be appointed as the Investigator unless they are ineligible by virtue of having some other incompatible rôle in the matter at issue, for example, by being the subject of the disciplinary action, in which case the Panel may appoint a Consultant from outside the Council's staff, seeking the advice of the Suffolk Association of Local Councils or the Monitoring Officer of Babergh District Council on the appointment.
- 19 The person appointed to conduct the investigation shall be professionally competent to do so and to advise the Disciplinary Panel both on their findings of fact and on the application of Disciplinary Procedure itself and on the range of possible solutions which may be available to the Panel;
- 20 The Investigator shall be appointed as soon as possible after the allegations have been made. The Disciplinary Panel will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
 - a. the allegations or events that the Investigation is required to examine;
 - b. whether a recommendation is required;
 - c. 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;
 - d. who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 21 The Investigator will be asked to submit their findings within 20 working days of appointment where possible.

Notification

- 22 The Disciplinary Panel 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 the Investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that they have 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 they meet with

the Investigator, they will have the opportunity to comment on the allegations of misconduct.

- 23 Employees have the right to be accompanied by a companion, who may be a workplace colleague, a trade union representative or a trade union official, at any investigatory meeting.
- 24 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.
- 25 The Investigator has no authority to take disciplinary action. Their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Disciplinary Panel whether or not disciplinary action should be considered under the policy.
- 26 The Investigator's report will contain their recommendations and the findings on which they were based. They will recommend either:
 - a. The employee has no case to answer and there should be no further action under the Council's Disciplinary Procedure;
 - b. The matter is not serious enough to justify further use of the Disciplinary Procedure and can be dealt with informally, or;
 - c. The employee has a case to answer and a formal hearing should be convened under the Council's Disciplinary Procedure.
- 27 The Investigator will submit the report to the Disciplinary Panel which will decide whether further action will be taken.
- 28 If the Disciplinary Panel decides that it will not take disciplinary action, the Council may consider whether mediation would be appropriate in the circumstances.

The Disciplinary Meeting

- 29 The employee will be invited, in writing, to attend a Disciplinary Meeting. The Disciplinary Panel's letter will confirm the following:
 - a. The names of its Chairman and other two members;
 - b. Details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting;
 - c. 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;
 - d. The time and place for the meeting. The employee will be given reasonable notice of the hearing so that they have sufficient time to prepare for it;

- e. 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;
 - f. That the employee has the right to be accompanied by a companion, who may be a workplace colleague, a trade union representative or a trade union official.
- 30 The purpose of the Disciplinary Meeting 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:
- a. The Chairman will introduce the members of the Disciplinary Panel to the employee and explain the arrangements for the hearing;
 - b. The Chairman will set out the allegations and invite the Investigator to present the findings of the Investigation Report (if an investigation has taken place);
 - c. The Chairman will invite the employee to present their account;
 - d. The employee (or the companion) will set out their case and present evidence (including any witnesses and/or witness statements);
 - e. Any member of the Disciplinary Panel and the employee (or the companion) may question the Investigator and any witness;
 - f. The employee (or companion) will have the opportunity to sum up.
- 31 The Chairman will provide the employee with the Disciplinary Panel'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.
- 32 The Disciplinary Meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the Disciplinary Panel.

Disciplinary Action

- 33 If the Disciplinary Panel decides that there should be disciplinary action, it may be any of the following:

Verbal Warning

If the employee's conduct has fallen below acceptable standards but the decision is marginal or there are extenuating circumstances, a Verbal Warning will be issued. A note of the verbal warning and the date it was given will be made in the employee's employment file but nothing further will be put in writing. The warning will remain in force for a specified period of time (e.g., six months).

First written warning

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

- a. The reason(s) for the written warning, the improvement required (if appropriate) and the time period for improvement;
- b. That further misconduct or failure to improve could result in more serious disciplinary action;
- c. The employee's Right of Appeal;

- d. That a note confirming the written warning will be placed on the employee's employment file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 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:

- a. The reason for the final written warning, the improvement required (if appropriate) and the time period for improvement;
- b. That further misconduct or failure to improve could result in more serious disciplinary action up to and including dismissal;
- c. The employee's Right of Appeal;
- d. That a note confirming the final written warning and the date it was given 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 (e.g. 12 months).

Dismissal

The Council may dismiss:

- A. For gross misconduct;
- B. if there is no improvement within the specified time period in the conduct which has been the subject of a Final Written Warning;
- C. If another instance of misconduct has occurred and a Final Written Warning has already been issued and remains in force.

- 34 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, they will receive a written statement of the reasons for their dismissal, the date on which the employment will end and details of their Right of Appeal. If the Disciplinary Panel 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 Hearing

- 35 An employee who is the subject of Disciplinary Action will be notified of their Right of Appeal. If the employee so decides, they may submit a Notice of Appeal in writing to the Chairman of the Policy and Resources Committee (which is also the Human Resources Committee).
- 36 Their written Notice of Appeal must be received by the Council within five working days of the employee receiving written notice of the Disciplinary Action and must specify the grounds for appeal.
- 37 Appeals may be raised on a number of grounds, for example:

- a) A failure by the Council to follow its own Disciplinary Procedure;
 - b) The Disciplinary Panel's disciplinary decision was not supported by the evidence;
 - c) The Disciplinary Action was too severe in the circumstances of the case;
 - d) New evidence relevant to the grounds of appeal which has come to light since the Disciplinary Meeting.
- 38 If new evidence is to be submitted to the Appeal Hearing, then a statement of its relevance to the grounds of appeal should be made to the Council before the Appeal Hearing, usually with at least two days' notice.
- 39 The Chairman of the Policy and Resources Committee (or the Vice-Chairman if the Chairman has been previously involved in the process) will appoint an Appeal Panel of two other councillors who are members of the Policy and Resources Committee and who have not previously been involved in the process to hear the appeal with them. The Appeal Panel shall be chaired by the Chairman (or Vice Chairman) of the Policy and Resources Committee. No councillor with previous involvement in the matter shall be appointed to the Appeal Panel.
- 40 It is sometimes the case that the same individual councillor is both Chairman or Vice Chairman of the Council and Chairman or Vice-Chairman of the Policy and Resources Committee but they can participate in this process only **once**.
- 41 If the Chairman (or Vice Chairman) of the Policy and Resources Committee cannot appoint to the Appeal Panel two other members of the Policy and Resources Committee who have not previously been involved in the process, then they may substitute for members of the Policy and Resources Committee the appointment of other Council members, provided that they have not previously been involved in the process.
- 42 If the Chairman and Vice Chairman of the Policy and Resources Committee are both ineligible to serve on the Appeal Panel by virtue of being previously involved in the process, then on the advice of the Consultant they will appoint a third member of the Policy and Resources Committee or, if necessary, the wider Council to substitute for them, provided that they have not previously been involved in the process.
- 43 If the Chairman and Vice Chairman of the Policy and Resources Committee are both ineligible to serve on the Appeal Panel, then the three members appointed (paragraphs 40, 41 and 42) will decide which of them will chair the Appeal Panel for this particular appeal. Once chosen, the Appeal Panel Chairman will conduct the particular Appeal in accordance with this Procedure through to the end of the process.
- 44 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 they have the right to be accompanied by a companion, who

may be a workplace colleague, a trade union representative or a trade union official.

45 The written notification will include the following:

- a) The names of the Chairman and other members of the Appeal Panel;
- b) The date, time and place of the meeting. The employee will be given reasonable notice of the meeting, which will normally take place within 25 working days of the date when the Council received the appeal;
- c) The employee's right to be accompanied by a companion, who may be a workplace colleague, a trade union representative or a trade union official;
- d) An invitation for the employee to request any reasonable adjustments to be made for the hearing (for example where the employee has a medical condition).

46 At the Appeal Hearing:

- a) The Chairman will introduce the members of the Appeal Panel to the employee;
- b) The Chairman will explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Disciplinary Panel;
- c) The Chairman will explain the actions that the Appeal Panel may take;
- d) The employee (or companion) will set out the grounds of the appeal and present any new evidence;
- e) The Chairman and other members of Appeal Panel may ask the employee questions about the information presented and will want to understand what action they want the Council to take;
- f) The employee (or companion) will have the opportunity to sum up the appeal;
- g) The Meeting may be adjourned to allow matters that were raised during the meeting to be considered by the Appeal Panel in private.

47 The Chairman will inform the employee that they will receive the decision and the Panel's reasons, in writing, usually within five working days of the Appeal Hearing.

48 The Appeal Panel may decide to uphold the Disciplinary Decision of the Disciplinary Panel, or substitute its own decision, for example, 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.

49 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.

- 50 The decision of the Appeal Panel is final.
- 51 In the event that there are not enough eligible members to serve on either or both of the Disciplinary Panel and the Appeal Panel by virtue of any prior involvement in the process, the Council Manager shall contact the Monitoring Officer of Babergh District Council and seek either:
- a) A dispensation to enable sufficient members to act in the matter; or if this is not possible
 - b) The advice of the Monitoring Officer in appointing an independent Grievance Panel to hear the grievance or an independent Appeal Panel to hear the appeal or both as appropriate.

Note. For the most part, the third person plural (e.g., they, them, their) is used to refer to all genders.

Adopted: 4th July 2022

APPENDIX C



Great Cornard Parish Council Capability Procedure

Purpose and Scope

- 1 The purpose of this Procedure is to help employees whose performance has fallen below achieving an acceptable standard, within a workable timescale. **The emphasis is on encouragement, training and support to make the necessary improvement.** However, it is recognised that it may be necessary, in some cases, to take further action where improvements to performance are not achieved or sustained for a reasonable period.
- 2 This Procedure applies to all employees, including the Council Manager. In the case of the Council Manager, it is for the Council Chairman to conduct the Informal Action described at paragraphs 15-23 below.
- 3 This Procedure addresses the underperformance of an employee for reasons relating to the capability of the employee. If at any time it is found that underperformance is willful, the Council has the right to move to an appropriate stage of the Disciplinary Procedure.
- 4 Where an employee commits an error and the actual or potential consequences of that error are, or could be extremely serious, this Procedure may not be appropriate. In this case, action under the final stage of the Disciplinary Procedure may be invoked, which could lead to dismissal, subject to the right of appeal.
- 5 If performance issues arise during the first year of an individual's employment with the Council, the terms of the employee's Contract of Employment must be followed.
- 6 If performance issues arise due to health or medical reasons, these will be dealt with in the first instance under the Sickness Absence Policy. However, once the appropriate action has been taken in accordance with the Sickness Absence Policy, for example, a referral to Occupational Health, the completion of a phased return or adjustments to the individual's post, any continued underperformance caused by ill health may be dealt with under the Capability Procedure or the Sickness Absence Policy.

- 7 This Procedure will be applied and monitored in accordance with the Council's Equality and Diversity Policy.

Definitions

- 8 'Capability', in relation to an employee, means their capability as assessed by reference to skills, aptitude, qualifications or attitude. Prior to undertaking an investigation under this Procedure, any reasonable adjustments which need to be made to the post to take account of any health related or disability issues, in accordance with the Equality Act 2010, must be made.
- 9 'Qualifications', in relation to an employee, means any academic, technical, vocational or professional qualification relevant to the position which they hold.
- 10 'Acceptable Standards', in relation to employee behaviour or performance will vary depending on the individual circumstances of the employee and the post that the employee occupies. As a guide, the Council Manager – or Council Chairman in relation to the Council Manager - may take into account the following standards or documents when assessing an individual's capability:
- a. Employee's job description
 - b. Code of Conduct Policy
 - c. Core competencies (assessed through the appraisal process)

Procedure

- 11 It is both an employee's and the Council Manager's responsibility to ensure good performance. General discussions should take place regarding performance during regular one to one meetings between the employee and the Council Manager. Performance should also be discussed as part of the employee's appraisal meetings. Any underperformance must be dealt with at the earliest opportunity.
- 12 If the Council Manager continues to be concerned about an employee's performance, they will arrange a meeting with the individual concerned to discuss the issues in question. At this stage, all contributory factors, including ill health issues, should be taken into account. If, after taken into consideration any mitigating factors which the employee raises, the Council Manager feels that further action is necessary, the following procedure will be initiated.

Right to be Accompanied

- 13 Employees have the right to be accompanied by a companion, who can be a workplace colleague, a trade union representative or a trade union official, at any

formal meetings that are held to discuss a failure to meet or sustain the required standards of performance. This includes attendance at any Appeal Hearing. In exceptional circumstances the Council will consider a request from an employee to be accompanied by a companion other than a workplace colleague, a trade union representative or a trade union official.

- 14 It is not usually the case that employees will be represented at the informal stage of the procedure. However, if requested by the employee this will not be unreasonably refused, provided it does not delay the discussion.

Informal Action

- 15 A meeting will be arranged by the Council Manager to discuss how the employee's performance needs to improve to meet required standards, and also to establish any training, support or adjustment needed to help achieve this. The employee will be told in advance by the Council Manager that the purpose of the meeting is to discuss their underperformance. A plan with SMART (Specific, Measurable, Attainable, Realistic and Timely) actions will be written to reflect this meeting.
- 16 This is an opportunity for the employee to explain any difficulties they are experiencing or the reasons for the underperformance. The employee and the Council Manager will discuss what changes are required and a monitoring period in which the standards agreed must be reached and sustained. The monitoring period will be for an appropriate period of time to allow the changes to take effect but will be for a minimum of six weeks following the completion of all training, support or adjustment identified.
- 17 Possible issues to consider as potential reasons for unsatisfactory performance include:
- a. Training needs where these have been identified but not been met due to employee's lack of action;
 - b. Behavioral issues;
 - c. The type and quality of support available and whether this has been sufficient;
 - d. Workload issues;
 - e. Whether the job description reflects what is being asked of the employee;
 - f. Adjustments required in accordance with the Equality Act 2020; and
 - g. Other issues which could affect performance including issues outside of work.
- 18 It is essential that the Council Manager properly identifies with the employee all potential causes for underperformance so that these can be discussed and addressed as required. Examples or evidence of poor performance must be shared to ensure that the individual fully understands the concerns and expectations required.

19 It is important at this stage for the Council Manager:

- a. To state that the meeting is being conducted under the informal stage of the Capability Procedure;
- b. To clarify the expected standards/level of performance the individual has failed to achieve and the impact this has had on the team/organisation;
- c. To define the improvement sought and how performance will be monitored; and
- d. To identify any support, assistance or adjustment to be given to the employee to achieve and maintain the defined standards.

20 It is essential that the Council Manager makes notes of all meetings in relation to capability proceedings and provides a copy to the employee for their records.

21 If the employee's performance improves and the standards are met and sustained throughout the monitoring period no further action will be taken.

22 If the employee's performance meets the required standards but is not sustained for three months following expiry of the monitoring period, the Council Manager may re-institute the Capability Procedure at the formal stage.

23 If there is no improvement at the end of the monitoring period, then the formal Capability Procedure will be initiated.

Formal Action

24 If, despite support, the employee is unable to reach or sustain the required standard of performance, a formal review meeting should be arranged. The employee will be formally asked to attend in writing, no less than three working days prior to the meeting. The written confirmation of the meeting from the Council Manager will include clear details of the alleged shortfall in performance and supporting documentation.

25 The meeting will be chaired by the Council Chairman and the Council Manager will also be in attendance. The Council Chairman will chair each meeting under the formal stages of the process. If the employee concerned is the Council Manager, the hearing will be chaired by the Council Chairman and a Councillor who is not a member of the Policy and Resources Committee will also be in attendance. The Council Manager will present evidence of the capability issues, monitoring documentation, and any other relevant information. Copies of all documentation will be made available to the employee and their representative in advance of the meeting.

26 In preparing for the hearing, provision must be made for any reasonable adjustments.

- 27 The employee will have the opportunity to put forward their explanation of events, detailing any mitigating circumstances and presenting any of their own evidence.
- 28 Should formal action be taken against the employee, a further monitoring period will be applied at each stage of the formal process and, where appropriate, objectives and standards will be defined by the Council Manager (following consultation with the Council Chairman where necessary) or, in the case of the Council Manager, by the Council Chairman and the Councillor who is not a member of the Policy and Resources Committee referred to in paragraph 25 above. Whilst each case will be dealt with on its own merits, it is generally expected that the employee's performance will be monitored for a minimum of four weeks at each stage of the formal Capability Procedure.
- 29 An employee who is currently undergoing Formal Action will not be entitled to receive an annual increment. This must be applied in accordance with the Pay Policy Statement and appraisal process.

Consequences

- 30 If it is determined that there has been insufficient improvement, the consequences will be communicated to the employee in person and in writing as soon as is reasonably practicable and in any case within 5 working days.
- 31 This will take one of the following forms:

32 Written Warning

- a. The employee will be fully informed of the precise nature of the poor performance, the level of improvement, review periods during the currency of the warning, consequences of failure to achieve or maintain the improvement, and that the warning will remain live on the employee's file for six months.
- b. Any further support requirements will be discussed and agreed at this stage and detailed within the improvement action plan.

33 Final Written Warning

If as a result of a further capability review meeting, it is determined that there has been insufficient improvement after a written warning has been issued, the level of improvement required, the time limit for achieving that improvement, review periods during the currency of the warning and a statement that a failure to improve to the required standards is likely to result in dismissal, a final written warning will be given. The length of time the warning will remain live on the employee's file is 12 months.

34 Dismissal

35 If as a result of a further formal capability review meeting it is determined there has been insufficient improvement, the employee may be dismissed and this dismissal will normally be with notice.

Appeal

36 If an employee decides that their performance has not been satisfactorily resolved by the review meeting, they may submit a Notice of Appeal in writing to the Chairman of the Policy and Resources Committee (which is also the Human Resources Committee).

37 An appeal must be received by the Council within five working days of the employee receiving the review meeting's decision and must specify the grounds of appeal.

38 Appeals may be raised on a number of grounds, for example:

- a. A failure by the Council to follow its own Capability Procedure;
- b. That the decision was not supported by the evidence;
- c. That the action proposed by the Council Manager or Council Chairman is disproportionate or inappropriate;
- d. That new evidence relevant to the grounds of appeal has come to light since the review meeting.

39 If new evidence is to be submitted to the Appeal Hearing, then a statement of its relevance to the grounds of appeal should be made to the Council before the Appeal Hearing, usually with at least two days' notice.

40 The Chairman of the Policy and Resources Committee (or Vice Chairman if they have been previously involved in the process) will appoint an Appeal Panel of two other councillors who are members of the Policy and Resources Committee and who have not previously been involved in the process to hear the appeal with them. The Appeal Panel shall be chaired by the Chairman (or Vice Chairman) of the Policies and Resources Committee. No councillor with previous involvement in the matter shall be appointed to the Appeal Panel.

41 It is sometimes the case that the same individual councillor is both Chairman or Vice Chairman of the Council and Chairman or Vice-Chairman of the Policy and Resources Committee but they can participate in this process only **once**.

42 If the Chairman (or Vice Chairman) of the Policy and Resources Committee cannot appoint to the Appeal Panel two other members of the Policy and Resources Committee who have not previously been involved in the process, then they may

substitute for members of the Policy and Resources Committee the appointment of other Council members, provided that they have not previously been involved in the process.

- 43 If the Chairman and Vice Chairman of the Policy and Resources Committee are both ineligible to serve on the Appeal Panel by virtue of being previously involved in the process, then they will appoint a third member of the Policy and Resources Committee or, if necessary, the wider Council to substitute for them, provided that they have not previously been involved in the process.
- 44 If the Chairman and Vice Chairman of the Policies and Resources Committee are both ineligible to serve on the Appeal Panel, then the three members appointed (paragraphs 41-43) will decide which of them will chair the Appeal Panel for this particular appeal. Once chosen, the Appeal Panel Chairman will conduct the particular Appeal in accordance with this Procedure through to the end of the process.
- 45 Normally within 10 working days of the Council receiving the employee's appeal, the employee will be invited in writing to attend an Appeal Hearing.
- 46 The written notification will include the following:
 - a. The names of the Chairman and other members of the Appeal Panel;
 - b. The date, time and place of the meeting. The employee will be given reasonable notice of the meeting, which will normally take place within 25 working days of the date when the Council received the appeal;
 - c. The employee's right to be accompanied by a companion, who may be a workplace colleague, a trade union representative or a trade union official;
 - d. An invitation for the employee to request any reasonable adjustments to be made for the hearing (for example where the employee has a medical condition).
- 47 At the Appeal Hearing:
 - a. The Chairman will introduce the members of the Appeal Panel to the employee;
 - b. The Chairman will explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the review meeting;
 - c. The Chairman will explain the actions that the Appeal Panel may take;
 - d. The employee (or companion) will set out the grounds of the appeal and present any new evidence;
 - e. The Chairman and other members of Appeal Panel may ask the employee questions about the information presented and will want to understand what action they want the Council to take;
 - f. The employee (or companion) will have the opportunity to sum up the appeal.

- 48 The Meeting may be adjourned to allow matters that were raised during the meeting to be considered by the Appeal Panel in private.
- 49 The Chairman will inform the employee that they will receive the decision and the Panel's reasons in writing within five working days of the Appeal Hearing.
- 50 The Appeal Panel may decide to uphold the decision of the Grievance Panel or substitute its own decision.
- 51 The decision of the Appeal Panel is final.
- 52 In the event that there are not enough eligible members to serve on either or both of the capability review meeting and the Appeal Panel by virtue of any prior involvement in the process, the Council Manager shall contact the Monitoring Officer of Babergh District Council and seek either:
- c. A dispensation to enable sufficient members to act in the matter; or if this is not possible
 - d. The advice of the Monitoring Officer in appointing an independent Grievance Panel to hear the grievance or an independent Appeal Panel to hear the appeal or both, as appropriate.

Maintaining Satisfactory Performance

- 53 It is expected that the employee is able to sustain the required level of performance on a continuing basis following the end of the appropriate review period.
- 54 If the improvement is not sustained for a period of six months following the review date of a successful outcome, then the employee will immediately be progressed to the next stage of the procedure.

Note. For the most part, the third person plural (e.g., they, them, their) is used to refer to all genders.

Adopted: 4th July 2022

APPENDIX D



Great Cornard Parish Council

Anti-Discrimination, Harassment, Bullying and Victimisation Policy

1. Introduction & Scope

Great Cornard Parish Council is committed to creating a working environment where everyone is treated with dignity and respect, and which is free from discrimination, harassment, bullying or victimisation of any kind, whether by employees, councillors, customers, contractors or members of the public. The Council operates a zero-tolerance policy with regards to discrimination, harassment, bullying and victimisation. This policy applies to all employees and councillors and is noncontractual.

This policy covers harassment and bullying of and by managers, employees, councillors, companies, contractors, agency staff and anyone else engaged to work at the Council, whether by direct contract with the Council or otherwise. If the complainant or alleged harasser is not directly employed by the Council this policy will apply with any necessary modifications so that, if the Council could not take action against the alleged offender then, for example, it would if appropriate after investigation instead require the agency to remove its employee.

The policy covers acts of harassment and bullying in the workplace or in any work-related setting outside the workplace, e.g. when visiting Council owned land or premises, when representing the Council at or on an outside body, work-related social events or in business meetings at non-Council owned premises. Employees, councillors and other workers have the right to:

- Complain about discrimination, harassment, bullying or victimisation;
- Expect that every complaint will be fully investigated and dealt with appropriately;
- Not be victimised as a result of bringing a complaint or acting as a witness in an investigation;
- Share this policy with key customer groups and contractors.

In cases of discrimination, harassment, bullying and victimisation, an employee can use this policy or report the incident to the Council Manager or, if the Council Manager is complained of, to the Chairman of the Council. If the employee chooses not to report the issue, then it may not be appropriate for any further action to be taken. However, if an offence which comes to its attention is very serious, the Council would consider

that it was failing in its duty to provide a safe working environment free from unlawful discrimination if it did not act. In this situation, the Council may take formal action without the employee's permission, although they would be informed.

Discrimination, harassment, bullying or victimisation can occur as an abuse of authority, such as a manager adversely affecting an employee's career or grade, but can take place between any individuals (e.g., colleagues or councillors); it is also possible for a manager to be bullied by a person they manage.

The Council will strive to ensure that no-one receives less favourable treatment, or is socially excluded, because of protected characteristics. The Council is committed to:

- Using its influence to promote understanding and harmony between people;
- Seeking to eliminate discrimination, harassment, bullying and victimisation, monitoring equalities, and aiming to improve its performance in respect of these issues.

All employees and members of the Council are responsible for helping to ensure that individuals, whether employees, third party workers such as contractors and agency staff, suppliers, customers and members of the public, do not suffer any form of discrimination, harassment, bullying or victimisation, and that they are encouraged and supported in any legitimate complaint. If an employee has difficulty at any stage of their Grievance Procedure because of a disability or other protected characteristic, they should discuss the situation with the Council Manager as soon as possible.

2. Definitions

Discrimination, harassment, bullying or victimisation can take many forms in many settings. It can be directed at an individual, or a group. Employees can be subject to discrimination, harassment, bullying or victimisation on a wide variety of grounds, including:

- Age;
- Gender;
- Gender reassignment or gender identity;
- Persistent or malicious use of the wrong pronoun;
- Sexual orientation;
- Marital or civil partnership status;
- Pregnancy and maternity;
- Physical characteristics;
- Sensory or physical impairments, learning difficulties, ill health or medical condition;
- Race, ethnicity, nationality or skin colour;
- Religion, belief or political convictions, or none;

- Trade union membership, or non-membership;
- Willingness to challenge discrimination, harassment and bullying, leading to victimisation;

This list is not exhaustive. In addition, the complainant need not possess the relevant characteristic themselves, and discrimination, harassment, bullying or victimisation can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

Harassment

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or offensive work environment. The types of harassment under the Equality Act 2010 are as follows:

- General - based on a protected characteristic;
- Conduct of a sexual nature;
- Less favourable treatment because of rejection of or submission to conduct of a sexual nature, or harassment based on sex or gender reassignment.

In employment law, harassment is always linked to discrimination. The Equality Act 2010 protects staff and customers from harassment because of: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity; race, religion or belief, and sexual orientation. Harassment can take many forms including:

- Physical contact, ranging from touching to serious assault, or the threat thereof;
- Verbal and written harassment through jokes, offensive language, gossip, slanderous correspondence;
- Graffiti or obscene gestures;
- Sending offensive material by email, by post or by text;
- Posting offensive material on social media;
- Isolation or non-co-operation at work; exclusion from social activities;
- Coercion ranging from pressure for sexual favours to pressure to participate in particular activities;
- Intrusion by pestering, spying, following;
- Outing someone - to state openly and publicly someone's sexual orientation without their permission;
- Homophobic, biphobia or transphobic bullying - defined as behaviour or language which makes a person feel unwelcome or marginalised because of their sexual orientation or gender identity, whether actual or perceived, or because of their association with people who are, or are perceived to be, gay, bisexual or transgender (e.g. children of same-sex couples).

This list is not exhaustive.

Bullying

Bullying is the misuse of power or position to criticise and condemn unreasonably, humiliating an individual and undermining their professional ability. In terms of legislation, an employer's duty to prevent bullying comes under the health and safety provision of a "duty of care". Obvious bullying may include:

- Shouting at employees;
- Displaying instantaneous rages;
- Using personal insults and name-calling;
- Criticising unreasonably;
- Humiliating publicly;
- Threatening with demotion;
- Ignoring or excluding an individual;
- Subjecting the employee to excessive scrutiny or 'micromanagement'.

Less obvious bullying may include:

- Setting objectives with impossible deadlines;
- Removing areas of responsibility;
- Setting menial tasks;
- Changing working guidelines;
- Talking only through a third party;
- Refusing reasonable requests;
- Blocking a person's promotion;
- Stealing credit for the work of the victim.

These lists are not exhaustive.

Victimisation

Victimisation is treating someone less favourably than others because they have reported harassment (whether formally or otherwise), or supported someone in making a complaint, for example by giving evidence as a witness in relation to a complaint. It includes when A believes B has made, or may make, a complaint or support another's complaint.

Harassment and Bullying by Third Parties

Employees have protection under the general harassment provisions set out in the Equality Act 2010. The Council has a duty to provide a safe working environment for its employees. If an issue of third-party harassment or bullying is raised the Council

Manager should take steps to prevent it. The steps taken will vary on each occasion, but could include:

- Informing employees of their right to put down the phone on a customer, contractor or member of the public who is harassing them;
- Informing employees of their right to walk away from a customer, contractor or member of the public who is harassing them;
- Displaying signs that remind customers and members of the public to treat employees with respect;
- Conducting a health and safety risk assessment;
- Withdrawing a service from the harassing customer, contractor or member of the public.

If an employee is subjected to harassment and bullying from someone who is not a Great Cornard Parish Council employee, the matter should be reported on an Incident Report Form. The Council Manager or the Council Chairman, if the Council Manager has been subjected to harassment or bullying, has the responsibility to investigate reported incidents and take appropriate action, including offering support to the victim.

3. Roles and Responsibilities

Employee responsibility

All employees have a responsibility to:

- Understand and demonstrate appropriate behaviours in line with the Council's values as expressed in this Policy;
- Report any concerns to the Council Manager as soon as possible;
- Engage with the occupational health referral process as appropriate;
- Engage with the grievance procedure as appropriate.

Council Manager's Responsibility

The Council Manager is responsible for:

- Ensuring a timely response to employee concerns raised with the Council;
- Arranging an Occupational Health referral to establish fitness to engage or reasonable adjustments or other support the employee needs as relevant;
- Ensuring the employee is supported to utilise relevant complaint processes as appropriate.

Investigating Officer

The Investigating Officer (who may be the same person as the Council manager) is responsible for:

- Investigating the alleged misconduct as set out in the Terms of Reference;
- Providing a report of their findings and supporting evidence to the Council Manager if not the same person;
- Attending and presenting the investigation findings at a formal stage hearing if required.

External HR advice and Support to the Council

It may become necessary for the Council to buy in external professional HR advice in support of this process, particularly if the complaint cannot be settled informally and requires a formal complaint procedure and perhaps even an appeal procedure.

4. Procedure

Informal stage

If an employee is being harassed or bullied, they should consider whether they feel able to raise the problem informally with the person responsible. If so, the employee should explain clearly to the person responsible that their behaviour is not welcome or makes the employee uncomfortable. If this is too difficult or embarrassing, the employee should speak to the Council Manager, who will provide confidential advice and assistance in resolving the issue informally or formally. It is often possible to agree a solution informally within the course of everyday working relationships, and there is an expectation that informal resolution will be explored before formal steps are considered.

If the employee is not certain whether an incident or series of incidents amounts to bullying or harassment, they should initially contact the Council Manager informally for confidential advice.

Mediation may be offered at this stage. It is a voluntary process and needs to be agreed by both parties.

If informal steps are not agreed, or have been unsuccessful, it will be appropriate to move to formal action.

Formal stage

If it has not been possible to resolve the employee's concerns informally, the employee should raise the matter formally by writing to the Council Manager using the Grievance Procedure. If the Council Manager is the subject of the grievance the employee should write to the Council Chairman. The employee should set out their complaint clearly and stating what they believe would be a solution so that an investigation can be carried out if necessary.

5. Mediation

Mediation is an effective method of conflict resolution that brings the disputants together where possible with an objective third party mediator to find a solution. Mediation is a voluntary process and needs to be agreed by both parties. It can be used at any time of the grievance procedure; ideally it should be used prior to any formal process.

6. Confidentiality

Where employees disclose information that they would prefer to be kept confidential, this will be respected so far as is possible. However, there may be circumstances where complete confidentiality cannot be guaranteed. This will be discussed with the employee before it is disclosed. Where there is a case to answer, employees accused of harassment and bullying will be given full opportunity to respond to allegations made against them where these allegations could result in disciplinary sanctions.

7. Support

Victim Support (www.victimsupport.org.uk) and True Vision (a police-funded website: www.report-it.org.uk) provide support and information for anyone affected by hate crime including how to report it.

If you feel that you are being discriminated against, harassed, bullied or victimised, you should report it to the Council Manager (or the Council Chairman if the Council Manager is complained of). You are encouraged to seek the advice and support of your trade union, even if you hope to resolve the issue informally.

Employees who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Disciplinary Procedure.

8. Monitoring

It is very important that these procedures operate fairly and effectively. Therefore, the operation of these procedures will be monitored. General monitoring of the number of cases and the sanctions applied, in addition to the number of harassment or bullying cases raised, will help to inform the Council of whether there are any areas of concern that may need addressing. The identity of any persons involved in specific case will remain confidential.

Note. For the most part, the third person plural (e.g., they, them, their) is used to refer to all genders.

Adopted: 4th July 2022

APPENDIX E



Great Cornard Parish Council Protocol Governing Councillor-Staff Relations

1. Introduction

- 1.1 The relationship between councillors and staff is essential to the successful working of the Council. This relationship should be characterised by mutual respect, informality and trust. Councillors and staff must feel free to speak to one another openly and honestly but must do so respectfully. Mutual respect and civility between councillors and staff is essential to good local government.

The purpose of this Protocol is to help councillors and staff perform their respective roles effectively and manage the expectations of their relationship with each other successfully. It also offers guidance about what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Council Manager in consultation with the Chairman of the Council.

- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2. Roles of Councillors and Staff

- 2.1 The respective roles of councillors and staff can be summarised as follows:

Councillors and staff are servants of the public and are indispensable to one another. However, their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Staff are responsible to the Council. Their job is to give advice to councillors, advise the Council, and carry out the Council's work at its direction, having regard to any scheme of delegation to Council committees or staff from time to time in being.

2.2 Councillors

Councillors have four main areas of responsibility:

- (a) determining the policy of the Council and giving it political leadership;
- (b) monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- (c) representing the Council externally; and
- (d) acting as advocates on behalf of their constituents.

It is not councillors who employ staff, it is the Council. So a councillor has no inherent authority to instruct staff in their duties.

2.3 **Staff**

The role of staff is to give advice and information to councillors and to implement the policies determined by the Council.

In giving such advice to councillors, and in preparing and presenting reports, it is the responsibility of officers to express their own professional judgement in the recommendations they make. Whilst an officer may report the views of individual councillors on an issue, if councillors wish to express a contrary view they should not seek to pressure the officer to make a recommendation contrary to the officer's professional judgement.

Certain staff, e.g. the Council Manager as the Head of Paid Service, and the Responsible Financial Officer, have responsibilities in law over and above their obligations to the Council, and councillors must respect these obligations, must not obstruct staff in the discharge of these responsibilities, and must not victimise staff for discharging these responsibilities.

3. **Expectations**

3.1 **Councillors can expect from staff:**

- (a) A commitment to the Council as a whole, and not to any political group;
- (b) A working partnership;
- (c) An understanding of and support for respective roles, workloads and pressures;
- (d) Timely response to enquiries and complaints;

- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of staff;
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) Awareness of and sensitivity to the political environment;
- (h) Respect, dignity and courtesy;
- (i) Training and development in order to carry out their role effectively;
- (j) Integrity, mutual support and appropriate confidentiality;
- (k) That employees will not use their relationship with councillors to advance their personal interests or to influence decisions improperly;
- (l) That staff will at all times comply with the relevant Code of Conduct;
- (m) Support for the role of councillors as the local representatives of the Council.

3.2 **Staff can expect from councillors:**

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) Political leadership and direction;
- (d) Respect, dignity and courtesy;
- (e) Integrity, mutual support and appropriate confidentiality;
- (f) That they make a reasonable effort to understand the issues before the Council by, for example, reading Council papers and attending and contributing to Council meetings;
- (g) Opportunities to be provided for officer training and development in order that officers may carry out their role effectively;

- (h) Not to be subject to discrimination, harassment, bullying or victimisation of any kind. For example, harassment is unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or offensive work environment. Bullying is the misuse of power or position to criticise and condemn unreasonably, humiliating and undermining an individual's professional ability;
- (i) Not to be put under undue pressure, for example to express a view in speech or writing which does not accord with their considered professional judgement;
- (j) Not to be put under undue pressure, for example by being expected to enter into lengthy discussion out of meeting, by whatever means or using whatever medium, about matters which could and should properly be resolved in meetings of the Council by the Council;
- (k) Councillors should have regard to the seniority of staff in determining what are reasonable requests, and should accept that an answer to a question which reaches the attention of the Council Manager will be the officer view;
- (l) That councillors will not use their position or relationship with staff to advance their personal interests or those of others or to influence decisions improperly;
- (m) That councillors will at all times comply with the relevant Code of Conduct.

4. Relations between Councillors and Staff

- 4.1 Mutual respect between councillors and staff is essential to good local government. Personal relationships or close personal familiarity between individual councillors and staff can damage this relationship and prove embarrassing to other councillors and staff.
- 4.2 It is not enough to avoid actual impropriety. Councillors and staff should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 4.3 Where there is a close relationship, it should be declared by both the councillor and the officer to the Council Manager who will treat the matter as confidential. The Council Manager should declare any such relationship of their own to the Chairman of the Council. The councillor should also advise the Chairman of the Council.
- 4.4 A close relationship includes any family business or close personal relationships. It is not possible to define exactly the range of relationships that

would be considered close or personal. Examples, however, would include a family or sexual relationship, and regular social mixing such as holidays or evening meals together.

- 4.5 In their dealings with staff (especially junior staff) councillors should be aware that it is easy for staff to be overawed and feel at a disadvantage. Such feelings can be intensified where the councillor holds an office such as Chairman.
- 4.6 A councillor should not pressure officers to do something they are not authorised to do and which is against their professional judgement. A councillor should also not require officers to do something which is outside their normal duties or working hours.
- 4.7 An officer must not seek to influence a councillor to do something that may be advantageous to the member of staff personally or professionally, or unduly advantageous or disadvantageous to another officer. Any approach of this nature should be reported to the Council Manager and Council Chairman.
- 4.8 No councillor shall personally criticise or otherwise undermine an officer at Council or other public meetings.
- 4.9 No officer shall personally criticise or otherwise undermine a councillor at Council or other public meetings.
- 4.10 Councillors shall take no part in the appointment or dismissal of staff below Council Manager, nor seek to influence in any way the appointment or dismissal of a particular person, except through properly constituted processes of the Council and its committees.

5 Staff relationships with Chairman/Vice-chairman of Council & Committees

- 5.1 It is important that there are close working relationships between senior staff and leading members. However, such relationships should never be allowed to become so close or appear to be so close, that the ability of a staff member to deal impartially with other councillors can be legitimately questioned;
- 5.2 The Council Manager and Responsible Financial Officer are expected to work closely with the Chairmen of the Council and of its committees and to meet regularly with them;
- 5.3 A Chairman should not seek to improperly influence a member of staff to reduce the options or withhold information which should properly be reported to the appropriate committee;

- 5.4 Any issues arising relating to such reports that cannot be resolved will be referred to the Council Manager and the relevant Chairman for resolution. The Council Manager and the relevant Chairman have the ultimate responsibility for the content of the agenda;
- 5.5 Staff are accountable to the Council Manager and whilst staff should always seek to assist any councillor, they should not go beyond the limits of whatever authority they have been given by the Council Manager;
- 5.6 Prior to Council and committee meetings, it is normal for the Council Manager to speak informally with the Chairman and Vice-Chairman to discuss matters on the agenda, answer any questions they may have which might improve the running of the meeting and also to enable specific issues to be highlighted for which staff and councillors may need to prepare. These meetings should be regarded as confidential to the participants.
- 6. When things go wrong**
- 6.1 Procedure for Staff**
- 6.1.1 From time to time the relationship between councillors and staff may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by the Council Manager or Council Chairman, staff will have recourse to the employment policies of Great Cornard Parish Council, as appropriate to the circumstances. In the event of a grievance or complaint by a member of staff being upheld, the matter will be referred by the Council Manager to the Council Chairman to decide on the course of action to be taken.
- 6.1.2 In the event of breakdown in staff relationships, the matter should be reported to the Council Manager who will deal with it by reference to the employment policies of Great Cornard Parish Council.
- 6.2 Procedure for Councillors**
- 6.2.1 In the event that a councillor is dissatisfied with the conduct, behaviour or performance of a member of staff, the matter should be raised with the Council Chairman, who will bring it to the attention of the Council Manager. If the matter cannot be resolved informally, it may be necessary to invoke the employment policies of Great Cornard Parish Council.
- 6.2.2 In the event of a breakdown in councillor relationships, the matter should be reported to the Council Chairman. If the matter cannot be resolved informally, it may be necessary to invoke the Code of Conduct and refer the complaint in writing to Babergh's Monitoring Officer.

7. Support services

- 7.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, room bookings etc) to councillors is to assist them in discharging their role as a member of the Council. Such support services should only be used for Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 7.2 All councillors are required to agree to adopt and abide by the Council's Acceptable Use of ICT Policy.

8. Councillors' access to information and Council documents

- 8.1 If a councillor requires information or advice from a member of staff they should approach the Council Manager. It is not usually appropriate for councillors to deal directly with a junior member of staff.
- 8.2 Councillors have a statutory right to inspect any Council document which contains material relating to business which is to be transacted at a Council or committee meeting. This right applies irrespective of whether the councillor is a member of the committee and extends not only to reports which are to be submitted to that meeting, but to any relevant background papers. This right does not apply to certain documents which disclose exempt information.
- 8.3 A councillor does not have a right to request information out of curiosity. They must demonstrate a need to know the contents of a document to enable them to carry out their duties as a councillor. It is for the Council Manager in consultation with the Council Chairman to determine whether a councillor's request for information is justified and can be met from within existing resources.
- 8.4 Any information provided to a councillor must only be used for the purpose for which it is provided and a councillor must never disclose or use any confidential information.

9. Correspondence

- 9.1 Councillors must not normally communicate in the name of the Council with any outside body or person. All such communications should be carried out by the appropriate member of staff.

- 9.2 It may be appropriate in some circumstances for a letter or other communication such as an email to be sent in the name of a councillor, for example in response to a letter of complaint sent direct to that councillor, but this should be the exception rather than the rule and it should only be done following consultation with the Council Manager.
- 9.3 Letters which create contractual, legal or other obligations or which give instructions on behalf of the Council must never be sent out in the name of a councillor.
- 9.4 Staff should consider when providing information to one councillor, whether other councillors should be informed too, e.g. in relation to a particular local matter, unless there are good reasons for not making the information more widely available.

10. **Media**

- 10.1 In general councillors provide comment and views while staff provide factual information. If a councillor is unsure about the circumstances of a particular issue they should contact the Council Manager.

11. **Redress and breach of this Guidance**

- 11.1 If a councillor considers that they have not been treated with proper respect and courtesy by a member of staff or that a member of staff is otherwise in breach of this Protocol, they should raise the matter with the Chairman of the Council, who will bring it to the attention of the Council Manager to action as is appropriate.
- 11.2 If a member of staff considers that they have not been treated with proper respect and courtesy by a councillor or that a councillor is otherwise in breach of this Protocol, they should raise the matter with the Council Manager, who will bring it to the attention of the Council Chairman to action as is appropriate.

Note. For the most part, the third person plural (e.g., they, them, their) is used to refer to all genders.

Adopted: 4th July 2022

APPENDIX F

Great Cornard Parish Council BACS payments up to 4th July 2022

INCOME UP TO			
	Source	Amount	Details
	Interest	£25.83	
	TOTAL	£25.83	
EXPENDITURE			
Direct Debits	Company	Amount	Details
BACS	Company		Details
	S & K News	£7.60	Suffolk Free Press
	3it Limited	£219.70	IT Support
	Countrywide G.Maintenance Ltd	£497.00	Mnthly Grnds Maint - BHL
	TOTAL	<u>£724.30</u>	

