

MINUTES OF A MEETING OF LYDD TOWN COUNCIL PERSONNEL COMMITTEE held virtually by zoom on Monday 1st February 2021 at 6.30 pm

Present: Councillors Darren Chapman, Mrs Ann Duncan, Clive Goddard, Paul Rye, Martin Sweeney, Town Mayor Graham Snell (ex-officio)

Angela Alexander – Town Clerk

2 members of the public

The meeting began at 6.32 pm

19. ELECTION OF CHAIRMAN

Councillor Clive Goddard opened the meeting as follows:

“Good evening and welcome Councillors and members of the public to the first meeting of the Personnel Committee in over 2 years.

I am glad that the Mayor Elect, Cllr Sweeney, has worked to reinstate the Personnel Committee to ensure that the Council is once again acting in the way we should to our employees. I am positive that the mix of experienced and new councillors will work well together.

Talking about employees I would like to thank the Town Clerk, Angela, and her colleagues for their hard work, support and guidance. One of my best and proudest achievements whilst Chairman of this Committee for 4 years was to gain the respect and most importantly the trust of the staff. I had to follow in large footsteps of the late Fred Wood-Brignall, the previous Chairman of Personnel and I certainly miss his expertise and guidance and I am sure Lydd Town Council does also.

This brings me now onto wishing the new Chairman all the very best, you have an excellent team of staff to work with and I would like to propose Councillor Darren Chapman to be elected as Chairman. Do I have a seconder please?

Cllr Mrs Ann Duncan seconded the proposal.

RESVOLVED: That Cllr Darren Chapman be elected to the role of Chairman of the Personnel Committee. Proposed by Cllr Goddard and seconded by Cllr Mrs. Duncan

For: 5

Unanimous

20. DECLARATIONS OF INTEREST

There were none

21. MINUTES

RESOLVED: The minutes of the last meeting on Monday 28th January 2019 were approved and signed as a correct record. Proposed by Cllr Goddard who asked the Committee to note minute number 40 where the previous Committee had agreed the schedule of meeting dates for Council and Committees for 2019-20 to be presented as the new timetable for the new Council following the election in May 2019. Cllr Goddard said this had originally been agreed at Council but had not taken place.

Seconded by Cllr Sweeney.

For: 2

Abstentions: 3

22. PRESS AND PUBLIC EXCLUDED

RESOLVED: *that this meeting be held without press or public present as the content of discussions will involve sensitive and confidential matters and is therefore exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the local Government Act 1972, to be treated as confidential by Members Unanimous*

At this juncture the Chairman requested that the members of the public leave the zoom meeting.

23. CONFIDENTIALITY

Councillor Goddard said that both he and Martin Sweeney had been members of the previous Personnel Committee and that at the start of each meeting he would stress the importance of confidentiality as personal information regarding salaries, health, performance of employees may be discussed. However, there were leaks with information being discussed at the George and Spar. He asked all Committee members to support the Chairman and ensure that everything discussed in the Personnel meetings remains confidential. Cllr Goddard said he liked the mix of Councillors and that he has 18 years of continuous service and experience and the new councillors who have been on board for 18 months. Cllr Goddard said that Cllr Mrs Duncan had come on leaps and bounds over the last 6 months since she had been attending KALC training.

Cllr Goddard said that confidentiality was very important and that the Committee should stick together as a team at Council on decisions they had made. He said that the Committee can trust and have good faith in the Town Clerk.

Cllr Sweeney agreed with Cllr Goddard on the importance of confidentiality and said if members of the Committee were in doubt, they should speak to the Town Clerk who would advise them. He said it was important that the Committee is regimental in sticking to procedures.

Cllr Chapman said that he felt it was an honour to be voted into the role and looks forward to working with everyone. He added to the comments of Cllrs Goddard and Sweeney and said that the Committee needs to be a strong team of 5 in the Council Chamber. When the Committee has reached a decision, they should not get drawn into debating again in the Council Chamber. Cllr Chapman said he wanted all the debate at the Committee and he wanted the Committee to run as close to perfect as it can and must not be lax and must follow procedures and set a good example.

He added that a bullying and harassment policy was on the agenda for adoption.

24. INFORMATION IN RELATION TO THE ROLE OF THE PERSONNEL COMMITTEE (Appendix A Page 22 to)

The following policies and procedures had been circulated for review by the Committee. The bullying and harassment is a new policy being introduced.

- a) Committee structure briefing note
- b) Terms of Reference of the Personnel Committee
- c) Complaints Procedure
- d) Grievance Procedure
- e) Disciplinary Procedure
- f) Bullying and Harassment Policy
- g) Briefing note appraisals process.

RESOLVED: That all policies and procedures a to g as circulated to the Committee be adopted. Proposed by Cllr Goddard and seconded by Cllr Chapman.

Unanimous

At this juncture the Town Mayor, Cllr Snell, congratulated Cllr Chapman on taking on the position of Chairman of Personnel and said he would like to thank Cllr Goddard who had always done well as Chairman and asked the Committee to support Angela and to listen to her advice.

25. TO AGREE THE FOLLOWING PANEL MEMBERSHIP

- a) Panel to continue to progress the Internal Auditors report and recommendations
The Chairman, Cllr Chapman said that Cllrs Goddard, Sweeney and himself should continue with progressing this task. Cllr Sweeney said he agreed with this and Cllr Mrs Duncan said she totally agreed with Cllrs Chapman, Goddard and Sweeney taking this forward rather than the new councillors. Cllr Goddard said that when he had joined the Council, he had been told by Mrs Weaver, the clerk at the time that it would take 10 years for a councillor to get on the Personnel Committee and that it was ground breaking for Councillors to be appointed to this Committee after 18 months service on the Council.

RESVOLVED: That the panel to progress the matters concerning the Internal Auditors Report and recommendations be made up of Cllrs Chapman, Goddard and Sweeney.

Proposed by Cllr Chapman and seconded by Cllr Mrs Duncan

Unanimous.

(meeting 8th February 2021)

- b) Panel to investigate the complaints received arising from the Planning Committee meeting held on 11th January 2021

Cllr Chapman said that the 2 new councillors should be appointed to this panel. Cllr Goddard said he was also going to suggest this as they were both on the Planning Committee and should be joined by Cllr Sweeney who had attended the planning meeting in question ex officio as Deputy Mayor.

RESOLVED: That the panel to investigate the complaints received arising from the Planning Committee meeting held on 11th January 2021 be made up of Cllrs Sweeney, Mrs Duncan and Rye.

Unanimous

The Town Clerk asked the Panel to familiarise themselves with the complaint's procedure before the meeting.

(meeting 15th February 2021)

26. STAFFING MATTERS

RESOLVED: That whilst the handyperson is shielding litter picking and noticeboards and other light duties be carried out by the Guild Hall Keeper and that emptying bins etc were to be done by Cllrs Sweeney and Bob Jones. Cllr Rye also offered to assist.

The meeting closed at 7.11pm

Chairman _____

Date _____

Personnel Committee Meeting 1st February 2021 Appendix A

LYDD TOWN COUNCIL

Briefing note for a meeting of the Personnel Committee

January 2021

COMMITTEE STRUCTURE

Local Council Meetings

A local council must meet annually (AGM and Mayor Making) and on three other occasions during the year. For 2020 the requirement to hold the May AGM was removed due to Covid 19.

In fixing the date of meetings the council should have regard to setting the precept and budget which must be done by full Council to fit in with the timetable of the District Council for the council tax calculations. A council can arrange to have functions exercised by Committees who in turn may appoint sub-committees.

What can committees do?

A committee may perform the statutory functions and powers and other legal responsibilities of the council on the council's behalf. Legislation requires certain statutory functions of a local council to be discharged by the council itself. These include setting the precept and approving the annual accounts and receiving the AGAR.

How many committees does a council need?

A council may appoint committees to administer business of the council that is not handled by staff as part of their daily routine or under delegated powers and would otherwise demand the time of the whole council.

Staff resources, number of councillors and how active the council is are factors that influence the number of committees.

A standing committee is one which has ongoing responsibilities concerning the statutory powers and functions of the council. A planning committee, allotments committee and personnel committee are all classed as a standing committee if the council has appointed them.

Terms of Reference

A council must be clear why it is appointing a committee and what its responsibilities are. The terms of reference also informs members of the committee the matters for which they are collectively responsible.

Members of a committee

A councillor may be appointed to a committee because they have a special interest or expertise to offer. A council may wish the Chairman or the Deputy to be members of every committee by virtue of their office (ex-officio).

A councillor who is not a member of a committee or sub-committee has the same rights to attend a meeting as a member of the public. They can only participate in the meeting if the public can and subject to standing orders about public participation. If a councillor is not a member of a committee or sub-committee they do not have an automatic right of access to information or documents relating to business of that committee or sub-committee.

There should be no less than three members appointed to a committee or sub-committee.

Control of meetings of a committee and sub-committee using standing orders

The number of meetings of a committee or sub-committee should be commensurate with the responsibilities that have been delegated to them. Standing Committees (e.g. Planning or Personnel) require dates to be fixed.

Unlike the meeting of the whole council or standing committee there are no statutory requirements concerning the advance notice of a meeting of a sub-committee and the public

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

has no statutory right to attend a meeting of a sub-committee. If the work of a sub-committee under its delegated responsibilities is confidential or considers information about individuals (and may therefore breach GDPR) or is commercially sensitive then it is not desirable for the public to attend.

The Chairman of a Committee or sub-committee may cancel a meeting due to lack of business or an emergency in liaison with the Clerk.

What is not a committee?

A group of councillors (with or without non-councillors) who informally work together on council business is not a committee. The absence of a formal appointment by council of a committee with terms of reference to undertake specific responsibilities on behalf of the council means the group is not a committee. Also the inclusion of members of the public who have not been appointed as non-councillor committee members means that it does not satisfy the statutory definition of a committee.

The decisions of informal groups (otherwise known as working parties) cannot bind a council. Working groups have no decision-making abilities.

Advantages

1. Committees and sub-committees can be appointed long or short term and as dictated by the organisational needs activities and resources of a Council.
2. Committees and sub-committees with delegated powers can make the council's decision making process more efficient. Without them the whole council must meet whenever it needs to make a decision about council business
3. Committees and sub-committees that harness the special interests, skills and knowledge of its members can be especially worthwhile.
4. Committees and sub-committees can be dissolved when there is no longer a use for them.

Disadvantages

5. If a council assumes the responsibilities that it has delegated to a committee or sub-committee which it is free to do, this duplicates efforts and undermines the appointment of the committee or sub-committee
6. If a council routinely challenges the decisions of a committee or sub-committee with delegated responsibilities confidence in the council as a whole is likely to suffer.

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

LYDD TOWN COUNCIL

TERMS OF REFERENCE FOR PERSONNEL COMMITTEE

PURPOSE OF THE COMMITTEE

To consider and deal with all matters affecting staffing issues except where the overall staffing budget will be exceeded. In such cases the Committee will make a recommendation to Full Council. The Committee has delegated authority to resolve personnel issues, including contracts of employment, pay scales, recruitment training, redundancy, grievances and disciplinary matters.

MEMBERSHIP

1. 5 Councillors who will be elected, or re-elected, at the Annual Meeting of the Town Council in usual circumstances.
2. The Personnel Committee reformed on appointment at the Council meeting held on 18th January 2021 following the Internal Auditors report that the Council was not meeting its legal obligations as an employer.

PARAMETERS

- 1 The quorum of the Panel shall be a minimum of 3 Councillors.
- 2 The Committee shall meet 4 times per year with the ability to meet additionally as and when required.
- 3 The Committee shall elect a Chairman at the commencement of its first meeting after the Annual Statutory Meeting of Full Council.
- 4 The Chairman of the Committee shall have a second or casting vote in the case of an equality of original views.
- 5 Meetings of the Committee will be held without press or public present when the content of discussions
6. All reports, documents and correspondence will remain confidential.

DETAILED REMIT to include –

- 1 To provide a route for consultation with all personnel, via the Town Clerk, and if after appropriate discussion with the Town Clerk, to discuss staff matters informally with the Personnel Committee
- 2 To provide a route for consultation with all Councillors on staffing issues.
- 3 To review and to advise on the numbers of personnel needed for the agreed operation of the Council.
- 4 To undertake the recruitment of personnel in conjunction with the Town Clerk.
- 5 To review and agree the terms and conditions of employment as required.
- 6 To review and to advise on development and training needs
- 7 To authorise increments and cost of living awards within the agreed budget.
- 8 To determine, with appropriate advice as necessary, any grievance or disciplinary issues relating to staff or Councillors.

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 1 of 2

LYDD TOWN COUNCIL

Complaints Procedure



Introduction

Lydd Town Council believes that listening to complaints and suggestions provides a valuable opportunity for improving its service and performance and demonstrates that the Council -

- Wishes to provide a good service
- Values feedback from our community
- Carries out its business in an open and honest way
- Wishes to deal with complaints in a fair and effective manner.

1. What complaints can be made?

If you are dissatisfied with the standard of service, actions or lack of action by the Council or its staff, or its agents you may make a complaint.

Lydd Town Council is unable to handle complaints regarding services that are delivered by other public bodies providing services in our area but we will try to provide you with the necessary contact details to pursue your complaint

2. How Lydd Town Council will deal with your complaint

a) Complaints received in person

Lydd Town Council will aim to deal with most complaints made in person, (either by you visiting or telephoning The Guild Hall) in a quick and satisfactory manner. However, if you are not satisfied with the response you receive you should put your complaint in writing by letter or email to the Town Clerk.

b) Written complaints

The Town Clerk will consider your complaint and if appropriate discuss and/or refer the complaint to a panel made of Members of the Council. You will be informed, at the earliest opportunity, of the outcome. If you are dissatisfied at this response you may request a meeting with a complaints panel made up of three Members of the Council

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\175WILNUP1\120806 Agreed complaints procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 2 of 2

Any complaint about the Town Clerk should be addressed to The Mayor of Lydd Town Council.

c) Invitation to a meeting to discuss your complaint

If you inform us that you are dissatisfied with the outcome of step b) (response to your written complaint) you will be invited to attend a meeting with a panel of three Members of the Council to discuss your complaint. You will be advised as soon as practicable of the decision reached by the panel and any action to be taken as a result. Any decision on a complaint which has reached this stage will be noted at the full Council meeting.

d) Appeals against the decision

If you wish to appeal against the decision reached by the panel you should inform the Town Clerk or Mayor within 7 working days of the date on the letter informing you of the decision. You will be invited to attend a further meeting with a panel made up of three different councillors who will consider your appeal. You will be advised as soon as practicable of the decision reached by the panel and any action taken as a result of this final stage of considering your complaint. Any decision on a complaint which has reached this stage will be noted at the full Council meeting.

3. Complaints about Members of Lydd Town Council

Members of Lydd Town Council are obliged to observe the Council's Code of Conduct, which is the NALC model Code of Conduct. Complaints about councillors concerning allegations that they have broken this Code whilst carrying out their duties as a Lydd Town Councillor will be dealt with according to the Code.

How to contact us:

Telephone:	01797 320999
Email:	townclerk@lyddtown.org
Letter or in person	Lydd Town Council Guild Hall 13 High Street Lydd Romney Marsh Kent TN29 9AF

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\7SWLNUPI\120806 Agreed complaints procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 1 of 3



Lydd Town Council

GRIEVANCE PROCEDURE

1. Introduction

1.1. Anybody working within Lydd Town Council may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues and/or councillors that they may wish to bring to the attention of the management. They will want their grievance to be addressed and if possible resolved. In order to maintain good staff relations, Lydd Town Council has adopted the following Grievance Procedure after consultation with members of staff.

1.2. Issues that may cause grievance include:

- Equal opportunities
- Bullying and harassment
- Work relations
- New working practices
- Organisational change
- Working environment
- Health and safety
- Terms and conditions of employment

1.3. Matters excluded from this procedure are as follows:

- Appeals against salary or salary point/grading
- Appeals against disciplinary actions
- Income tax, national insurance matters and rates of pay agreed at a national or local level
- A matter over which Lydd Town Council has no control

1.4. Grievances may occur at all levels and apply equally to management and employees

1.5. The best method of resolving general staff complaints is by informal discussion, dealing with complaints in this way will often lead to a speedy resolution. In the first instance employees are encouraged to discuss any grievance with the Town Clerk. However, when problems cannot be resolved in this way, formal procedures should be followed.

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\75WILNUP\120606
Agreed grievance procedure.doc

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 2 of 3

1.6. The option of using an independent third party, who is not involved in the issue, as a mediator may be considered. This option will be on a voluntary basis and only used if both parties agree to it.

1.7. The purpose of these Grievance Procedures is to ensure that there is a system in place whereby employees can raise a grievance matter formally. It should be used when employees have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed, and which have not been resolved on an informal basis.

2. Stage 1 – Statement of Grievance

2.1. The employee must set out his/her grievance in writing and send a copy to the Town Clerk and Chairman of the Staffing Committee

2.2. A panel of members of the Staffing Committee will be appointed to consider its response and will conduct a meeting/s to gather information in connection to the grievance at the earliest opportunity.

3. Stage 2- Meeting

3.1. The Town Clerk or Chairman of the Staffing Committee (as appropriate) will invite the employee to attend a meeting to discuss the grievance at which an appropriate clerk the Town Clerk (or their representative) and ** appointed members of the Staffing Committee(the panel) will be present.

(a) The employee and others involved must take all reasonable steps to attend the meeting

(b) The employee has the right to be accompanied at the meeting by a fellow worker or a trade union representative of his/her choice. Should the employee wish to bring along a companion other than those listed above he/she should put their request in writing in advance of the meeting. In some cases it may be appropriate for a family member to be the appointed companion.

(c) If the date set for the meeting is inconvenient for either the employee, or their companion, the meeting may be postponed for up to 5 working days.

3.2. After the meeting the panel will present their recommendations to the Staffing Committee for decision. The Town Clerk or Chairman of the Staffing Committee will inform the employee, in writing, of the response to the grievance. Where possible this should be actioned within 5 working days of the decision being reached and the employee must be informed of their right to appeal against that decision. If for any reason there is a delay in reaching a decision, the employee should be given an explanation and advised when a response may be expected.

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 3 of 3

4. Stage 3- Appeal

- 4.1. If the matter is not resolved by the procedure followed in Stage 2 as above, the employee must notify, in writing, the Town Clerk, Chairman of the Staffing Committee, or if appropriate the Town Mayor that they wish to appeal against the decision reached.
- 4.2. The employee will be invited to attend a meeting of the Town Council's Appeal Committee to which they may be accompanied as in 3.1(b) above and should take all reasonable steps to attend that meeting. If the date set is inconvenient, the meeting may be postponed for up to 5 working days. The Town Clerk, Chairman/designated members of the Staffing Committee and if appropriate the Town Mayor, should attend the appeal meeting.
- 4.3. Following the meeting, the employee will be informed of the Town Council's final decision within five to ten working days. If a response in this time is not possible, the employee should be given an explanation for the delay and advised when a response can be expected.

5. External Advice

Whilst a Grievance Procedure is an internal matter for the Town Council, at times it may be helpful to seek external advice and assistance. This may be done after consultation with the Staffing Committee.

6. Grievance Procedure During Disciplinary Action

Should an employee raise a grievance about the behaviour of the Town Clerk or members of the Council handling of a Disciplinary Procedure it may be considered appropriate to suspend the disciplinary procedure for a short while so that the grievance can be considered by members of the Staffing Committee not involved in the disciplinary procedure.

7. Record Keeping

The following records will be placed on the employee's personnel file:

- a) The statement of grievance
- b) Notes from meetings held in connection with the grievance
- c) Statements given as part of the information gathering process
- d) The response detailing the decision reached and action to be taken
- e) Letter of appeal should the grievance not be settled in Stage 2
- f) The response detailing the appeal decision

All records will be kept confidential and in a secure place.

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\75WLNUP1\20808
Agreed grievance procedure.doc

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 1 of 5

Lydd Town Council**DISMISSAL AND DISCIPLINARY PROCEDURE****1. Introduction**

The purpose of these procedures is to ensure a clear understanding of the relationship between the management of Lydd Town Council and its employees. They are intended to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. Lydd Town Council aims to ensure consistent and fair treatment for everyone in the organisation.

2. Informal Procedure

2.1 Informal action may often be a more satisfactory method of resolving problems than the use of formal disciplinary procedures.

2.2 It should take the form of a discussion between either the Clerk or Chairman of the Staffing Committee and employee with the objective of encouraging and helping the employee to improve. The employee should fully understand that formal action may be taken if there is no improvement.

3. Formal Procedure

3.1 The formal procedures apply to an employee's conduct or performance/capability.

3.2 In most cases, the formal disciplinary procedures should only be used when the informal stage (2.2) has failed to produce the required level of improvements or when the seriousness of the offence warrants it.

3.3 Appropriate investigations should be carried out without unreasonable delay to establish the facts. This may include holding an investigatory meeting and/or the collection of evidence for use at a disciplinary meeting. An investigation panel for the meetings will be appointed from members of the Staffing Committee.

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\75WILNUP\120806 Agreed disciplinary procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 2 of 5

3.4 Before any formal action such as a warning, other disciplinary action or decision to dismiss is taken by Lydd Town Council the following procedures will be followed

- The employee will be advised in writing about the alleged conduct, unsatisfactory performance or other circumstances which lead Lydd Town Council to contemplate dismissing or taking disciplinary action against them.
- The employee will be invited to a meeting with appointed members of the Staffing Committee where he/she will be given the opportunity to state their case before any decision is made.
- The employee will be advised that he/she may be accompanied at any point during the formal proceedings by another member of staff or a trade union representative or that they may make a written request for another individual to accompany them which will be given consideration by the Council.
- The employee may appeal against any dismissal/disciplinary action

3.5 The formal disciplinary procedure described above exists for:

- Performance and/or capability issues
- Misconduct
- Gross misconduct

3.6 In the case of gross misconduct the Council may proceed immediately to Stage Three of the formal disciplinary procedure at their discretion.

4. Formal Disciplinary Procedure Stage 1 Unsatisfactory Performance (Improvement note)

4.1 If performance does not meet acceptable standards the employee will be advised in writing following a disciplinary meeting as described in 3.4. This will take the form of an improvement note which will set out the performance problem, the improvement required, the timescale for improvement and any help that may be given. The employee will be advised that this is the first stage of disciplinary procedures and that failure to improve could lead to a final written warning.

4.2 A copy of the improvement note will be kept on the employees file for six months.

4.3 The employee will be informed that he/she may appeal

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\75WMLNUP\120806 Agreed disciplinary procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 3 of 5

5. Formal Disciplinary Procedure Stage 1 Misconduct (first warning)

- 5.1 If conduct does not meet acceptable standards the employee will be informed in writing following a disciplinary meeting as described in 3.4
- 5.2 The employee will be given a written warning setting out the nature of the misconduct and the change in behaviour required. The employee should be informed that a final written warning may be considered if there is no sustained improvement.
- 5.3 A copy of the warning will be kept on the employee's personnel file for a period of six months.
- 5.4 The employee will be informed that he/she may appeal.

6. Formal Disciplinary Procedure Stage 2 Final Written Warning

- 6.1 If an employee has a current warning about conduct or performance then further misconduct or unsatisfactory performance may lead to a final written warning. It may also be relevant where 'first offence' misconduct is significantly serious but would not justify dismissal. The final written warning, which would be issued following a disciplinary meeting as described in 3.4, should contain a summary of the complaint, the improvement required and the timescale. It will also specify the duration of the warning and that failure to improve may lead to stage 3 (dismissal or other action short of dismissal)
- 6.2 A copy of the warning will be kept in the employee's personnel file for a period of twelve months.
- 6.3 The employee will be informed that he/she may appeal

7. Formal Disciplinary Procedure Stage 3 Dismissal or Other Sanction

- 7.1 An employee may be dismissed due to a first act of gross misconduct or from a repeat of misconduct (of the same or similar type) during the currency of an earlier warning or by failing to meet the acceptable standards of performance. Dismissal may be with or without notice or pay in lieu of notice.
- 7.2 The decision to dismiss the employee will not be taken without reference to the Staffing Committee. Decisions to dismiss an employee must be confirmed in writing without delay.

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\7SWILNJP\120806 Agreed disciplinary procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 4 of 5

7.3 Should the decision result in a sanction short of dismissal being imposed on the employee this should be put in writing and the employee advised that dismissal may be the outcome if there is not a satisfactory improvement. A copy of the warning letter will be kept in the employee's personnel file for 12 months.

7.4 The employee will be informed that he/she may appeal.

8. Misconduct

Examples of misconduct are as follows:

- Poor timekeeping
 - Unauthorised absence
 - Minor damage to Council property
 - Minor breach of rules and procedures of the Council
 - Abusive behaviour
 - Poor standard of work
- This list is not exhaustive

9. Gross Misconduct

Examples of gross misconduct are as follows:

- Theft of property belonging to the Council or an employee of the Council
- Serious damage to Council property
- Fraud, falsification of reports, accounts, expense claims or self-certification forms
- Unauthorised entry to computer records
- Serious act of insubordination
- Serious incapacity whilst at work due to alcohol or illegal drug use
- Violent, dangerous or intimidating conduct
- Bullying or harassment
- Serious infringement of Health and Safety rules
- Serious breach of confidentiality

This list is not exhaustive

10. Suspension during investigation

The employee may be suspended for a period of two weeks whilst an investigation for an allegation of gross misconduct is carried out. During this time payment of salary will continue but the employee will not be entitled to access the Guild Hall unless specifically invited to do so.

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\7SWLNUP\120806 Agreed disciplinary procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Page 5 of 5

11. Appeals Procedure

11.1 An employee has the right to appeal against all disciplinary or dismissal decisions and this should be put in writing to the Chairman of the Staffing Committee, or to the Clerk within 5 working days of the decision stating the reasons for appeal.

11.2 The appeal will be heard by the Town Council's Appeals Committee, as far as possible comprising Councillors who have not had previous involvement in the issue and the employee has the right to be accompanied by a fellow employee or union representative (or another individual if appropriate)

11.3 The appeal hearing will be conducted, where possible, within 5 working days of the appeal being lodged.

11.4 If new evidence comes to light during the appeal the employee should be given the right to comment before a decision is taken. If necessary the appeal may be adjourned.

11.5 The employee will be informed of the results of the appeal and the reasons for the final decision in writing within 10 working days. If there is any reason for a delay the employee will be given an explanation and advised when a decision may be expected.

12. Grievance during Disciplinary Action

If an employee raises a grievance during the disciplinary procedure there may be a short period of suspension of the procedure until the grievance can be considered.

13. Records

Records should be kept to detail the nature of any breach of disciplinary rules or unsatisfactory performance, including the employee's response, actions taken and the reason for it, any appeal made and the outcome. Records will be kept confidential at all times.

C:\Users\Town Clerk Assistant\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\7SWILNUP\120806 Agreed disciplinary procedure.docx

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

LYDD TOWN COUNCIL Dignity at Work Bullying and Harassment Policy

1. Purpose and Scope

1.1. **Statement:** In support of our value to respect others Lydd Town Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace.

The policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's Grievance and Disciplinary Procedures and the Elected Members Code of Conduct.

1.2. Definitions:

- **Bullying**

'Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.'

- **Harassment**

Harassment is 'unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.' This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from the ACAS guidance on the topic.

Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and Harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

1.3. Examples of unacceptable behaviour are as follows: (this list is not exhaustive)

Commented [AA1]:

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4. Penalties:

Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure.

If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice if such a matter arises.

1.5. The Legal position:

Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the Council.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

2. Process for dealing with complaints of Bullying and Harassment:

2.1. Informal approach:

Anyone - employee, contractor, member or visitor - who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort.

2.2 If your complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where the problem has happened before) the Council may decide to investigate further and take more formal action. The Council would consult with you before taking this step.

2.3. Formal approach:

2.3.1. Employees:

Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Town Clerk or if this is inappropriate, with the Chair of the Personnel committee or the Town Mayor using the Council's grievance procedure. It will be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked.

The employee will be expected to provide evidence of the conduct about which s/he is complaining.

2.3.2. Others, Councillors, Contractors, Consultants, Public

Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint in writing with the Town Clerk where possible using the Council's complaints procedure or with the Monitoring Officer at Folkestone and Hythe District Council where a Member is directly involved in the bullying or harassment using the Code of Conduct.

2.4. Grievance – Employees only:

A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure.

The Clerk or Chair of Personnel Committee (as appropriate) will invite the employee to attend the meeting to discuss the complaint. The alleged perpetrators would be informed of the basis for the grievance. The investigation will be carried out as confidentially and sensitively as possible. The Council will ensure that individuals personal data is handled in accordance with the General Data Protection Policy.

2.4.1. Appeal

The Appeals Panel, which will be formed from at least three members who have not been involved in the complaint previously. The appeal must be put in writing by the employee who may be accompanied by another employee or trade union representative of their choice

2.5 Disciplinary Action: Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an Employee found to have been bullying/harassing others this will follow the council's

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.

For Councillors, who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. interpersonal communication, chairmanship etc may be appropriate.

The range of disciplinary sanctions available to the council where a member has been involved in bullying/harassment include: issuing of an apology, admonishment to further harass or bully such as removal from direct contact or decision making about that employee, banning from Committees of the Council and appointment to outside bodies. A referral under the Code of Conduct is usually an appropriate step. There may also be a referral to the police under the Protection from Harassment Act 2010 in the most extreme cases.

This list is not exhaustive.

2.6. False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as a serious misconduct under the Disciplinary Procedure or a referral to the Monitoring Officer.

2.7. Responsibilities:

All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop.

Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground.

Personnel Committee Meeting 1st February 2021 Appendix A cont'd

LYDD TOWN COUNCIL

First issued to Personnel Committee October 2018

Updated January 2021

Briefing note

Approach to Appraising Staff

Following recommendations by Investors in People from 2015 (Are Appraisals a Thing Of The Past?) A growing number of organisations have abolished annual performance reviews and 360 degree evaluations altogether, finding them of little value and unhelpful and instead introducing more regular catch-ups where managers meet with staff at least once a quarter and discuss expectations, feedback, growth and development.

Sir Cary Cooper, visiting professor of organisational psychology and health at Lancaster University, says performance appraisals are useless. "If you have socially and interpersonally skilled managers from shop floor to top floor they should give people positive and negative feedback every day, not once a year."

Until 2013 Lydd Town Council did not carry out any form of appraisal and the Deputy Town Clerk during many years here, in various roles, had never had an appraisal at all and stated so at her first appraisal.

In 2013 annual reviews with the Mayor and Chairman of Personnel and staff were introduced.

However, the current Town Clerk uses the 'catch-up' style of appraisal and continuous review as a line management structure. The annual review (6 monthly for new employees) is an 'audit' of this process and then forms part of the Town Clerk's 'appraisal' in gathering feedback from the other staff members who are being 'line-managed'

Regular contact between employees and managers is important and regular employee/manager one-to-one time where I check in with staff regularly throughout the week, month and year to hear their views on everything about their role, workload and how they feel about the current culture of the Council.

Regular feedback ensures that where there are any issues both I and the staff member can work on it to improve things if need be.

Communication is key both upward and downward and the staff are encouraged to make suggestions about the way their work is done so that they have 'ownership' over their tasks and opportunity for involvement is encouraged.

The aim is to provide a culture in the office where the vision of what we are trying to achieve and how we can work towards making things more streamlined and therefore have the Council running more efficiently is regularly reinforced. Particularly as all staff members regularly flag up the 'time waste' where preparation and delivery for Council meetings becomes very apparent compared to the output of achievement possible from them. Unfortunately, at present there is a level of suspicion from outside the office which results in large quantities of formal documentation as evidence which should not be necessary as we need to allocate organisational resources to this rather than to achieving the goals and visions of the Council which is the aim of the Office staff so that we maximise value for money from the public investment in the Council.

The aim is to create an environment of recognition and support – where the staff know there is no blame culture within the office and they receive praise and credit for good performance on a regular basis and that I will reflect this by recommending a financial reward at the Annual Review with Chairman of Personnel and the Mayor.

Personnel Committee Meeting 1st February 2021 Appendix A cont'd**Update January 2021**

Since the decision was taken regarding not having Committees (except for the standing Planning Committee) the Town Clerk has continued with regular line-management activities of staff but there has been no Personnel Committee to enable appraisals to be carried out in a legal manner.

In addition, there has been no 'upward' reporting route to deal with grievance matters in a formal manner due to the lack of a Personnel Committee.

During the time of Covid and working from home there is regular contact by phone with all members of staff on their working days to ensure continuity of the running of the business of the Council.

