



Stone

Town Council

Town Clerk
Les Trigg

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22 December 2020

Dear Councillor,

A VIRTUAL meeting of the **MANAGEMENT SUB COMMITTEE** will be held on **TUESDAY 5 JANUARY 2021 at 7:10pm**, or upon the rising of the Estates Sub-Committee, if later.

The Agenda is set out below, and I trust you will be able to attend.

The meeting will be streamed live on YouTube and members of the public are welcome to observe.

View Meeting: <https://www.youtube.com/channel/UCXHye7pCvT-mVBouN3IUTWQ>



Les Trigg
Town Clerk

Councillors: J. Davies (Chair), I. Fordham (Vice Chairman), K. Argyle, Mrs A. Burgess,
Mrs L. Davies and T. Kelt

AGENDA

- 1. To receive apologies for absence**
- 2. Declarations of Interest and Requests for Dispensations Received**
- 3. Representations from Members of the Public**

To consider representations from members of the public on items to be considered at this meeting, in accordance with the Council's scheme of public participation.

4. **Minutes of Previous Meeting**

To confirm as a correct record the minutes of the meeting of the Management Sub-Committee held on 22 September 2020, Minute Numbers MAN20/036 – MAN20/040 (attached).

5. **Complaints Procedure**

To consider the updated complaints procedure (attached).

6. **Staffing Guidelines**

To consider the updated staffing guidelines (attached).

7. **Grievance Procedure**

To consider the updated grievance procedure (attached).

8. **Disciplinary Procedure**

To consider the updated disciplinary procedure (attached).

9. **Budget 2021-22 – 2023-24**

To consider the report of the Town Clerk (attached).

10. **Updates:**

- a. Website
- b. Facebook
- c. Service Continuity Plan
- d. Resolutions Progress Report
- e. IT Contract

11. **Exclusion of the Press and Public**

To resolve, pursuant to the Public Bodies (Admission to Meetings) Act 1960, that the Public and Press be excluded from the meeting whilst the next items of business are discussed on the grounds that publicity would be prejudicial to public interest by reason of the confidential nature of the debate.

12. **New Telephone System**

To consider report of the Town Clerk (attached).

Will any Councillors who wish to speak at this meeting, but are not members of the Sub-Committee, please inform the Chairman before the start of the meeting.

Members of the public are welcome to attend the Management Sub-Committee Meeting as observers and/or to make representations to the committee in accordance with the Council's scheme of public participation. Details of this scheme are displayed in the Council's notice boards and website.

Stone Town Council – Management Sub-Committee

Minutes of the meeting held virtually on Tuesday 22 September 2020

NOTE: Due to the Coronavirus Pandemic (COVID-19) and Government Guidelines on public gatherings, the meeting was held virtually on Zoom. Members of the public were invited to observe the meeting streamed live on YouTube.

PRESENT: Councillor J. Davies in the Chair and
Councillors: Mrs A. Burgess, Mrs L. Davies, I. Fordham, M. Green and
R. Kenney

By Chairman's invitation: Councillors: A. Best, Mrs K. Dawson, Mrs J. Hood,
J. Powell and C. Thornicroft

ABSENT: Councillor: K. Argyle and T. Kelt

MAN20/036 Apologies

Councillor: K. Argyle and T. Kelt

MAN20/037 Declarations of Interest and Requests for Dispensations

None received

MAN20/038 Representations from Members of the Public

None received

MAN20/039 Minutes

That the Minutes of the Management Sub-Committee Meeting held on the 4 August 2020 (Minute No's MAN20/028 – MAN20/035), be approved as a correct record.

MAN20/040 Updates

The Sub-Committee received updates on the following:

a. Website

The Town Clerk advised the Sub-Committee that accessibility requirements for public sector websites were coming into force on 23 September 2020.

* Items marked with an asterisk refer to reports or papers circulated with the agenda or distributed at the meeting. They are attached as an appendix to the signed copy of the Council minutes.

The Town Clerk advised the Sub-Committee that the Marketing and Events Assistant had undertaken a lot of work to make the website compliant which it now is, in most respects. There are some outstanding issues which include the way agendas and minutes are formulated so their readability by screen readers can be improved. This issue is being worked on currently along with the uploading of an accessibility statement which the Marketing and Events Assistant had prepared before leaving the organisation.

The Chairman stated that the website should be compliant and functional in enabling the effective promotion of the Town Council's events (arranged by the Tourism & Town Promotion Sub-Committee) and the delivery of information relating to COVID-19 and the work of the Promotion of Stone Working Group.

The Town Clerk advised the Sub-Committee that this was a task normally performed by the Marketing and Events Assistant and he would be seeking to fill the vacant post when the organisation of sufficient public events could safely resume.

b. Facebook

The Town Clerk informed the Sub-Committee that the Marketing and Events Assistant had set up and prepared for a Town Council Facebook page (earlier in the year) as a marketing tool for communicating events, which hadn't then been launched.

The Town Clerk confirmed that when launched postings would be made by Officers with Members able to make comments in the same way that the general public do.

The Sub-Committee expressed the view that a Facebook page was a highly effective tool in reaching younger residents of the town, when compared with other modes of communication such as the blander website style presentation. It was suggested that the Facebook launch be given priority so that people are aware of what is going on in their town and to provide information about the work of the Town Council. It was agreed that when resources are available the matter would be addressed.

c. Service Continuity Plan

The Chairman reiterated the invitation issued to Sub-Committee members at the last meeting to submit their views to him on items that should be considered for inclusion within the Town Council's Service Continuity Plan following the COVID-19 emergency and lessons that had been learned. The suggestions put forward would be collated for

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consideration at a future Sub-Committee meeting.

d. Resolutions Progress Report

The Town Clerk invited feedback on the Resolutions Progress Report that has been issued to Members.

The Chairman said that the report should be issued at regular intervals as part of the Town Council's standard procedures.

e. IT Contract

The Town Clerk informed the Sub-Committee that the Town Council's IT contractor had provided an exemplary service during the COVID-19 lockdown. Their service has been first class and highly responsive. It had enabled the Council to keep its remote systems running while the office had been largely unoccupied.

Chairman

* Items marked with an asterisk refer to reports or papers circulated with the agenda or distributed at the meeting. They are attached as an appendix to the signed copy of the Council minutes.

Introduction

1. The Council reviews its various policies and procedures on a regular basis. This report considers a review of the Council's complaints procedure.

Review

2. Apart from a small number of typographical corrections and improvements to wording, which do not impact on policy, the attached complaints procedure contains changes from the current document in the following area:
 - a. **Role of Clerk in Complaints Panel Meeting:** Paragraph 2.3 clarifies that the Clerk can both present the case for the Council and act as advisor to the Panel in certain circumstances. This is currently not permitted in any circumstances.

Recommendation

3. The Sub-Committee is recommended to approve the attached, updated complaints procedure and recommend its adoption to the General Purposes Committee.

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Complaints Procedure

January 2021

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1 INTRODUCTION

- 1.1 This document sets out the procedures to be used when dealing with complaints by members of the public against the Council.
- 1.2 In accordance with the advice in the National Association of Local Councils (NALC) Legal Topic note 9, it does not cover all complaints that may be made by the public.
- 1.3 Any complaint by a member of the public should initially be communicated to the Town Clerk to allow for an informal resolution of the issue, if possible and appropriate, or to the Town Mayor if the complaint relates to the Clerk.
- 1.4 There are, however, a number of circumstances where the use of the process set out in this document would be inappropriate. These are:
- a. **Financial irregularity** – where a local elector may wish to exercise their rights to object to the accounts, or where the Council may wish to consult their auditors before taking further action.
 - b. **Criminal activity** – which should be referred to the police by the Clerk (or the Town Mayor if it relates to the Clerk).
 - c. **Member conduct** – if a complaint refers to a Member’s failure to comply with the Council’s Code of Conduct, then it should be referred by the Clerk to the Monitoring Officer at Stafford Borough Council.
 - d. **Employee conduct** – which should be dealt with under the Council’s disciplinary procedures.
- 1.5 The process below should therefore be used for complaints by members of the public against the Council which have not been resolved informally in accordance with paragraph 1.3 above, and do not fall into the categories set out in paragraph 1.4 above.

2 COMPLAINTS SUB-COMMITTEE

- 2.1 Complaints by members of the public will be heard by the Management Sub-Committee, sitting as the Complaints Sub-Committee.
- 2.2 Any member of the Complaints Sub-Committee who has a conflict of interest related to the complaint should declare this interest to the Clerk at least 72 hours before the start of the meeting, and indicate that they will not be attending. Should this result in the number of eligible members of the Sub-Committee falling below five (including ex-officio members) the Clerk will ask the Chairman and Vice-Chairman of the General Purposes Committee to nominate one or more substitutes to the Sub-

Committee so that there are no less than five eligible members available for the meeting.

- 2.3 There may be occasions where it would be inappropriate for the Clerk to both present the Council's case and advise the Sub-Committee. In advance of the meeting the Clerk, in consultation with the councillor expected to Chair the Sub-Committee meeting, will determine if this is the case and, if so, who will undertake these separate roles. In some cases, it may be appropriate that an independent advisor is secured for the meeting.
- 2.4 Throughout the procedure below, reference is made to the Clerk presenting the case for the Council. This should be read instead as the nominated person as determined in accordance with paragraph 2.3 above, if it has been determined that the Clerk would not be presenting the case on this occasion.
- 2.5 The press and public will be excluded from meetings of the Complaints Sub-Committee, but public minutes will be produced and reported to the General Purposes Committee stating the nature of the complaint and the decision made by the Sub-Committee.

3 BEFORE THE MEETING

- 3.1 The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk, or to the Town Mayor if the complaint relates to the Clerk. In this latter situation occurs, the Town Mayor should determine whether the complaint:
 - a. Is the result of potential misconduct by the Clerk, in which case the disciplinary procedures should be used rather than these procedures, and the complainant advised accordingly, or,
 - b. Relates to the Clerk as a representative of the Council, in which case the Town Mayor should refer the matter back to the Clerk, who should then continue to follow these procedures.
- 3.2 The Clerk will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Complaints Sub-Committee. The complainant will be advised that the press and public will be excluded from meeting, but public minutes will be produced and reported to the General Purposes Committee stating the nature of the complaint and the decision made by the Sub-Committee.
- 3.3 The complainant will be invited to attend the meeting and to bring with them a representative if they wish.
- 3.4 Seven clear working days prior to the meeting, the complainant will be expected to provide the Council with copies of any documentation or other evidence relied on.

The Council will then provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

4 AT THE MEETING

- 4.1 The chairman should introduce everyone and explain the procedure.
- 4.2 The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk¹, then members of the Sub-Committee.
- 4.3 The Clerk will have an opportunity to explain the Council's position and questions may then be asked by the complainant and members of the Sub-Committee.
- 4.4 The Clerk and then the complainant should be offered the opportunity to summarise their position.
- 4.5 The Complainant (and their representative, if any) should then be asked to leave the room, leaving just Members and their advisor. The Clerk will also be asked to leave if not acting in the capacity of advisor at the meeting. Members will then decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both the Clerk (if not already present) and the complainant shall be invited back.
- 4.6 The Complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

5 AFTER THE MEETING

- 5.1 The Clerk should confirm the decision of the Sub-Committee in writing within seven working days together with details of any action to be taken.

¹ As stated in paragraph 2.4, all references to the Clerk in this section of the procedure should be read as the "nominated person to present the Council's case" if the Clerk is instead acting as advisor to the Sub-Committee.

Introduction

1. The Council reviews its various policies and procedures on a regular basis. This report considers a review of the Council's "Staffing Guidelines" which provide the general basis for appointment, employment and termination of employees by the Council.

Review

2. Apart from a small number of typographical corrections and improvements to English, which do not impact on policy, the attached updated policy document contains changes from the current document in the following areas:
 - a. **Interview Panels for Deputy and Assistant Clerk Posts:** The document has been updated at paragraph 6.4 to allow for the appointment of more than one Councillor in addition to the Chairman of the GP Committee to interview panels. This reflects the Council's current practice.
 - b. **Settlement Agreements:** Paragraphs 10.1, 10.8 and 10.9 add the additional possibility of termination by mutual agreement, subject to a legally binding settlement agreement.
 - c. **Exit Payment Cap:** Paragraph 10.10 reflects the new legal responsibility to ensure that all terminations comply with the Restriction of Public Sector Exit Payments Regulations 2020. The specific regulations are not quoted in the document to allow for any future changes.

Recommendation

3. The Sub-Committee is recommended to approve the attached, updated "Staffing Guidelines" document and recommend its adoption to the General Purposes Committee.

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Staffing Guidelines

January 2021

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1 GENERAL

- 1.1 These guidelines set out the procedures that the Council will follow when dealing with staffing matters. They may only be amended or varied by resolution of the Council or the General Purposes (GP) Committee¹.
- 1.2 Should there be a clash between the provisions of this document and those within other documents which prescribe the activities of the Council, the order of precedence shall be:
 - a. National Legislation
 - b. The Council's Standing Orders
 - c. Financial Regulations
 - d. Staffing Guidelines (this document)
 - e. All other documents
- 1.3 These guidelines do not form part of any employee's contract of employment and may be amended at any time by the Council.

2 WHO IS COVERED BY THE GUIDELINES?

- 2.1 The guidelines relate to all paid employees of the Council, any volunteers, and anyone engaged on a contract for service. For ease of reference, all of these groups are collectively referred to as employees throughout the document.
- 2.2 The guidelines follow the usual principle that the Town Clerk reports to the Council, and all employees report to the Town Clerk.

3 WHAT IS COVERED BY THE GUIDELINES?

- 3.1 These guidelines are intended to cover all aspects of the Council's employment relationship with its employees. In some cases, however, it is more appropriate to have detailed policies or procedures for specific areas, such as staff discipline. Where this is the case, this will be referred to within this document.
- 3.2 The guidelines will therefore cover recruitment, terms and conditions of employment, day to day management, dispute resolution and termination of employment.

¹ All further references to "the Council" in this document shall also be considered to refer to the General Purposes Committee for functions which have been delegated to that Committee.

4 RECRUITMENT - GENERAL

- 4.1 Whenever a post becomes vacant, the work of that post should be reviewed. A formal recorded decision should be taken whether the post should be filled and, if so, whether there should be any changes to the hours, salary or duties of the post, or other posts, as a result.
- 4.2 If the vacancy relates to the post of Town Clerk, the review should be undertaken by a Panel specifically appointed by the Council, who should report their findings back to the Council for approval to proceed with the recruitment and any other proposed changes.
- 4.3 If the vacancy relates to any other post, the review should be undertaken by the Town Clerk, who should report back to the General Purposes Committee for approval.
- 4.4 All interview panels will consist only of persons who have received training in proper interview practices and procedures. Such training will be provided by the Council where necessary.

5 RECRUITMENT – TOWN CLERK

- 5.1 Once the Council has made the decision to recruit to the post of Town Clerk it will appoint a Panel to carry out the process. The Panel should be supported by an appropriately experienced advisor, who will assist the Panel throughout the process, but will have no “vote” in the Panel’s final decision. Such an advisor could be, for example, the outgoing Clerk, a Clerk from another Council or an appropriate person from the Borough/County Council or Staffordshire Parish Council’s Association (SPCA).
- 5.2 The Panel will arrange to advertise the post in the local press, on the Council’s website, in the SPCA newsletter, in the County and Borough Council’s internal vacancy systems (where possible) and anywhere else considered appropriate by the Panel.
- 5.3 Following receipt of applications, the Panel will shortlist and interview candidates in order to formulate a recommendation to the Council.
- 5.4 On receipt of the Panel’s report, the Council will determine appointment to the post.

6 RECRUITMENT – OTHER EMPLOYEES

- 6.1 Once the GP Committee has made the decision to recruit to a post, the Town Clerk will be given the authority to make the appointment.
- 6.2 The Clerk will arrange to advertise the post in the local press, on the Council’s website, and (where possible and appropriate) in the SPCA newsletter, the County and Borough Council’s internal vacancy systems and any other suitable places.

- 6.3 Following receipt of applications, the Town Clerk will produce a final shortlist of candidates, having undertaken any preliminary interviews and/or exercises considered appropriate.
- 6.4 For posts at deputy or assistant town clerk level, where significant contact with Members would be expected, the final interview panel would be made up of the Town Clerk, the Chairman of the GP Committee, and one or more other Members appointed by the GP Committee.
- 6.5 For posts at lower levels, or those that would not be expected to have significant contact with Members, the interview panel would be made up of the Town Clerk and at least one other member of staff. If considered appropriate, the Town Clerk could invite one or more Councillors to be part of the panel either instead of or as well as other members of staff.

7 TERMS AND CONDITIONS OF EMPLOYMENT

- 7.1 All staff will be employed on local government “Green Book” terms and conditions unless specifically resolved otherwise by the Council and included within these guidelines.
- 7.2 Travel allowances will be paid to employees at the current inland revenue mileage rate, or the actual cost if public transport was used. Reimbursement for the use of employees own vehicles will only be made for approved journeys on receipt of a signed and duly authorised claim.
- 7.3 All eligible employees will be given access to the Local Government Pension Scheme.
- 7.4 Rates of pay for employees will be determined from time to time by the Council, having regard to the recommendations of NALC and SLCC and the nationally negotiated local government payscales.
- 7.5 All new appointments will be subject to a six-month probationary period (see paragraph 10.7 below). At the end of this period, the Clerk (the Council in the case of the Clerk’s post) is authorised to confirm the employee in post, dismiss them, or extend their probationary period as appropriate.
- 7.6 Contracts of employment for employees will reflect the conditions above, having regard to the recommendations of both the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC).

8 DAY TO DAY MANAGEMENT

- 8.1 The Town Clerk is responsible for all aspects of day to day employee management including sickness, annual leave, supervision, training and discipline.

- 8.2 Whilst the Clerk will be largely required to self-manage on a day to day basis, where a line management function is required for legal or other reasons, the Chairman of the General Purposes Committee shall be authorised to perform that function.

9 DISPUTE RESOLUTION

- 9.1 Disputes may arise between employees, an employee and their manager, an employee and a Member of the Council or an employee and a member of the public. In most cases, such disputes are quickly and amicably resolved between the parties themselves.
- 9.2 Where it is necessary to escalate the resolution of a dispute, such escalation shall be to the Town Clerk or, if the Town Clerk is a party to the dispute, to the Town Mayor.
- 9.3 Where appropriate, the Council's disciplinary procedures or grievance procedures should be followed.

10 TERMINATION OF EMPLOYMENT

- 10.1 An employee's employment may be terminated by way of resignation, retirement, redundancy, dismissal or mutual agreement. Each of these circumstances is set out below. Should the termination relate to the Town Clerk, references to the Clerk should be replaced by the Council.
- 10.2 When an employee determines that they wish to resign, they shall inform the Clerk in writing of their intention and of their proposed date of termination in accordance with their contract of employment. The Clerk is authorised to vary this termination date, in agreement with the employee, if it is considered to be beneficial to the Council.
- 10.3 The Clerk shall instigate a review, as outlined in Section 4 above (Section 5 in respect of the Clerk's resignation), prior to making a recommendation to the Council related to the replacement of the resigned employee.
- 10.4 A decision to make a post redundant can only be made by the Council, following receipt of a report from the Town Clerk setting out the legal position and the potential impact on the organisation.
- 10.5 Redundancy payment would normally be made based on the standard legal requirements for the number of weeks' pay, but based on actual salary rather than the statutory rate in accordance with typical local government practice. The Council would be free to enhance this where appropriate.
- 10.6 Dismissal of an employee can only be made by following the due process of the Council's disciplinary policy, except during an employee's probationary period or in other exceptional circumstances as determined by the Council.

- 10.7 During a probationary period, the Town Clerk may dismiss an employee whose capability was not considered sufficient for the job, and it was not considered that that capability could be developed sufficiently within a reasonable period.
- 10.8 A situation may exist where the Council and an employee mutually agree to terminate the employee's contract. This would usually be accompanied by the Council making a legally binding settlement agreement with the employee, including an agreed settlement payment and a set of terms and conditions under which that payment is made.
- 10.9 A decision to enter into a settlement agreement can only be made by the Council, following receipt of a report from the Town Clerk setting out the legal position and the potential impact on the organisation. In the case of the settlement agreement being between the Council and the Clerk, the report should be commissioned from the Borough Council's Monitoring Officer or another appropriately qualified legal professional.
- 10.10 All payments made by the Council due to termination for whatever reason will be subject to the regulations relating to public sector exit payment caps.

Introduction

1. The Council reviews its various policies and procedures on a regular basis. This report considers a review of the Council's grievance procedure.

Review

2. Apart from a small number of typographical corrections and improvements to wording, which do not impact on policy, the attached grievance procedure contains changes from the current document in the following areas:
 - a. **Grievances involving the Town Clerk:** The footnote to paragraph 2.1 now clarifies that any grievance made by the Town Clerk (as well as grievances made against the Town Clerk) should be submitted to the Town Mayor.
 - b. **Independent Person:** The footnote to paragraph 3.1 now clarifies that where the meeting is being held with the Town Mayor, due to the grievance involving the Town Clerk, another Councillor who is not involved in the grievance may undertake the role of independent person.
3. As a staffing procedure, it is good practice to consult with members of staff on any proposed changes prior to implementation. If the updated document is agreed by the Sub-Committee and supported by the General Purposes Committee, it would not take effect until after this consultation had been undertaken. Any objections raised by staff would be reported back to the Sub-Committee for further consideration before implementation.

Recommendation

4. The Sub-Committee is recommended to approve the attached, updated grievance procedure and recommend its adoption to the General Purposes Committee, subject to the outcome of staff consultation.

Stone

Town Council



Grievance Procedure

January 2021

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1 INTRODUCTION

- 1.1 Anybody working within Stone Town Council may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about. They will want their grievance to be addressed and, if possible resolved.
- 1.2 Issues that may cause grievances include:
- a. equal opportunities
 - b. bullying and harassment
 - c. work relations
 - d. new working practices
 - e. organisational change
 - f. working environment
 - g. health and safety
 - h. terms and conditions of employment
- 1.3 Grievances may occur at any level and apply equally to all employees.
- 1.4 The best method of resolving any general staff complaints is by informal discussion with the employee's immediate Line Manager. Dealing with problems in such a way will usually lead to speedy resolutions. However, when problems cannot be resolved, formal procedures should be followed.
- 1.5 The option of using a mediator, where appropriate, as an independent third party will be considered. The third party could be an internal mediator as long as they are not involved in the issue, or in some cases an external mediator may be more appropriate. This option will be on a voluntary basis and will only be used if both parties agree to it.
- 1.6 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. These procedures allow for any grievance to be dealt with fairly and speedily before it develops into a major problem.

2 STAGE 1 - STATEMENT OF GRIEVANCE

- 2.1 The employee must set out the grievance in writing, together with their proposed solution for addressing it, and send a copy to the Town Clerk¹.
- 2.2 If the grievance is not contested and easily resolvable, the Town Clerk should respond in writing to the grievance within five working days. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

3 STAGE 2 - MEETING

- 3.1 If the grievance is more complicated and/or contested, the Town Clerk must invite the employee to attend at least one meeting to discuss the grievance. The Town Clerk will be accompanied by an officer not involved in the grievance or, if this is not possible or appropriate, an independent third party².
- 3.2 The meeting must not take place unless:
 - a. The employee has informed the Town Clerk what the basis for the grievance was when he or she made the statement as referred to in 2.1 above; and
 - b. The other party involved in the grievance has had a reasonable opportunity (at least three working days) to consider his/her response; and
 - c. The employee has been advised that he or she may be accompanied and assisted by another employee or a trade union representative of his or her choice³.
- 3.3 The employee must take all reasonable steps to attend the meeting.
- 3.4 Depending on the nature of the grievance, it might be necessary for the Town Clerk to undertake an investigation and this will be discussed with the employee at the meeting.
- 3.5 Following the meeting, the Town Clerk must inform the employee in writing of his/her decision as to his/her response to the grievance, where possible, within five working days after the meeting. The employee must also be informed of his/her right to appeal.

¹ References to the Town Clerk in this document should be changed to the Town Mayor if the Town Clerk is the subject of the grievance or the person making the grievance.

² Where the meeting is being held with the Town Mayor, due to the grievance involving the Town Clerk, another Councillor who is not involved in the grievance may undertake this role if appropriately independent.

³ If no suitable member of staff or trade union representative is available, the Town Clerk may agree to an independent third party such as a family member attending in their place.

If it is not possible to respond within five working days, the employee should be given an explanation for the delay and advised when a response can be expected.

4 STAGE 3 - APPEAL

- 4.1 If the matter is not resolved at Stage 2, the employee has the right to appeal.
- 4.2 The appeal must be made in writing, stating the full grounds for appeal, to the Chairman of the Management Sub-Committee within five working days of the date on which they were informed of the decision.
- 4.3 An employee will be given written notice of the date, time and place of the appeal hearing. If no new matters are raised, this will normally be within fourteen days of the written notification to the Chairman of the Management Sub-Committee.
- 4.4 If any new matters are raised in the appeal, it may be necessary to carry out further investigation.
- 4.5 The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the discretion of the Appeals Panel depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 4.6 The appeal hearing will be conducted by an Appeals Panel made up of the Chairman and Vice-Chairman of the General Purposes Committee and the Chairman and Vice-Chairman of the Management Committee. Where any of these has previously been involved in the case, is unavailable, has a conflict of interest, or otherwise cannot or should not be involved, their place(s) will be taken by (an) impartial Councillor(s) appointed by the General Purposes Committee.
- 4.7 A companion may be brought to the appeal hearing (see paragraph 3.2c above).
- 4.8 Following the appeal hearing the Panel may:
 - a. confirm the original decision;
 - b. revoke the original decision; or
 - c. substitute a different decision.
- 4.9 The employee will be informed in writing of the Appeals Panel's final decision as soon as possible, usually within five working days of the appeal hearing. There will be no further right of appeal.

5 EXTERNAL ADVICE

- 5.1 If mutually agreed, where the grievance is against the Clerk or a Councillor, it may be helpful to seek external advice and assistance during the grievance procedure. An external facilitator might be able to help resolve the problem.

6 GRIEVANCE PROCEDURE DURING DISCIPLINARY ACTION

- 6.1 Should an employee raise a grievance about the behaviour of his/her Line Manager during the course of the organisation's Disciplinary Procedure, it may be appropriate to suspend the disciplinary procedure for a short period until the grievance can be properly considered. The Town Council may consider seeking external advice as appropriate.

7 RECORDS

- 7.1 Full records should be kept including the statement of grievance, the response from Town Clerk/Town Mayor/Appeals Panel, and any action taken together with the reasons for it. These records will be kept confidential and retained in accordance with the Data Protection Act. Copies of any formal minutes of the meetings held will be given to the employee.

Introduction

1. The Council reviews its various policies and procedures on a regular basis. This report considers a review of the Council's disciplinary procedure.

Review

2. Apart from a small number of typographical corrections and improvements to wording, which do not impact on policy, the attached disciplinary procedure contains changes from the current document in the following area:
 - a. **Independent Investigations:** Paragraph 5.1 now includes a requirement for an independent investigator to be used in any case that, if upheld, could reasonably be expected to lead to a dismissal.
3. As a staffing procedure, it is good practice to consult with members of staff on any proposed changes prior to implementation. If the updated document is agreed by the Sub-Committee and supported by the General Purposes Committee, it would not take effect until after this consultation had been undertaken. Any objections raised by staff would be reported back to the Sub-Committee for further consideration before implementation.

Recommendation

4. The Sub-Committee is recommended to approve the attached, updated disciplinary procedure and recommend its adoption to the General Purposes Committee, subject to the outcome of staff consultation.

Stone

Town Council



Disciplinary Policy & Procedures

January 2021

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1 POLICY STATEMENT

- 1.1 The aims of this Disciplinary Procedure are to set out the standards of conduct expected of all staff and to provide a framework within which the Council can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.2 It is the Council's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.
- 1.3 This procedure does not form part of any employee's contract of employment and it may be amended at any time. The Council may also vary this procedure, including any time limits, as appropriate in any case.

2 WHO IS COVERED BY THE PROCEDURE?

- 2.1 The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3 WHAT IS COVERED BY THE PROCEDURE?

- 3.1 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases reference should be made to the appropriate policy or procedure.
- 3.2 Minor issues can often be resolved informally with the Town Clerk¹ without recourse to these procedures, and this is encouraged wherever possible. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

¹ References to the Town Clerk in this document should be changed to the Town Mayor if the Town Clerk is the subject of the potential disciplinary action.

- 3.3 An employee would not normally be dismissed for a first act of misconduct, other than for an act of gross misconduct or if the employee has not yet completed their probationary period.
- 3.4 Any employee who believes that they would have difficulty at any stage of the procedure because of sickness, a disability or language, should discuss the situation with the Town Clerk as soon as possible.

4 CONFIDENTIALITY

- 4.1 The Council's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 4.2 Electronic or other recordings must not be made by any party involved in meetings or hearings conducted under this procedure.
- 4.3 An employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the Town Clerk believes that a witness's identity should remain confidential.

5 INVESTIGATIONS

- 5.1 Investigations will be undertaken by the Town Clerk or by an independent investigator dependent upon the circumstances of the case, though an independent investigator should be used in any case that, if upheld, could reasonably be expected to lead to a dismissal. The independent investigator will be appointed by the Town Clerk and will be totally independent of the Town Council and not connected to the case in any way.
- 5.2 The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee involved and any witnesses, and/or reviewing relevant documents.
- 5.3 If an investigative interview is held, this will be solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

- 5.4 There is no right to bring a companion to an investigative interview. The Town Clerk has discretion, however, to allow an appropriate companion if necessary to enable the employee to partake fully in the interview, such as in cases of sickness, disability or any difficulty in understanding English.
- 5.5 Employees must co-operate fully and promptly in any investigation. This will include informing the Town Clerk of the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required.

6 CRIMINAL CHARGES

- 6.1 Where an employee's conduct is the subject of a criminal investigation, charge or conviction the Town Clerk will investigate the facts before deciding whether to take formal disciplinary action.
- 6.2 The Town Clerk will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.
- 6.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Town Clerk considers that it is relevant to your employment.

7 SUSPENSION

- 7.1 In some circumstances it may be necessary for the Town Clerk to suspend an employee from work during investigation of a potential disciplinary matter. The suspension will be for no longer than is necessary to investigate the allegations and the arrangements will be confirmed in writing. A suspended employee should not visit any Council premises or contact any Councillors, clients, customers, suppliers, contractors or staff, unless authorised to do so in writing by the Town Clerk.
- 7.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Salary and any benefits will continue to be paid during the period of suspension.

8 NOTIFICATION OF A HEARING

- 8.1 If the Town Clerk considers that there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing.
- 8.2 Prior to the hearing, the employee will be informed in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences would be if it is decided after the hearing that the allegations are true. The following will also be provided where appropriate:
- a. a summary of relevant information gathered during the investigation;
 - b. a copy of any relevant documents which will be used at the disciplinary hearing; and
 - c. a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible will be provided while maintaining confidentiality.
- 8.3 Written notice will be given of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but a reasonable amount of time will be given to prepare a case based on the information that has been provided.

9 THE RIGHT TO BE ACCOMPANIED

- 9.1 An employee may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. The Town Clerk must be informed who this companion will be in good time before the hearing.
- 9.2 A companion who is a colleague is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 9.3 If the choice of companion is unreasonable someone else may need to be chosen, for example:
- a. If, in the opinion of the Town Clerk, your companion may have a conflict of interest or may prejudice the meeting; or
 - b. if the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

- 9.4 The employee may, at the Town Clerk's discretion, be allowed to bring a companion who is not a colleague or union representative (for example, a family member) if there is no trade union representative or colleague able to undertake the role or if it will help overcome, for example, a disability, or difficulty understanding English.

10 PROCEDURE AT DISCIPLINARY HEARINGS

- 10.1 An employee must make every effort to attend a hearing, and failure to attend without good reason may be treated as misconduct in itself. An alternative date and/or time will, however, normally be arranged on request to the Town Clerk. Failure to attend without good reason, or a persistent inability to attend (for example for health reasons), may result in a decision being taken based on the available evidence without the employee being present.
- 10.2 The case will be heard by the Town Clerk.
- 10.3 The disciplinary hearing will commence by going through the allegations being made and the evidence that has been gathered. The employee will then be able to respond and present any evidence of their own. A companion may make representations and ask questions, but should not answer questions on behalf of the employee. A private conversation may be held with a companion at any time during the hearing.
- 10.4 The disciplinary hearing may be adjourned if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points raised at the hearing. A reasonable opportunity will be given to consider any new information obtained before the hearing is reconvened.
- 10.5 The decision and the reasons for it will be conveyed in writing, usually within 14 days of the disciplinary hearing. Where possible this information will also be explained in person.

11 DISCIPLINARY PENALTIES

- 11.1 The usual penalties for misconduct are set out below. No penalty will be imposed without a hearing. The Council aims to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

11.2 **Stage 1 - First written warning.** A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on a disciplinary record. Some examples of misconduct are:

- a. unauthorised absence
- b. poor timekeeping
- c. misuse of the Council's resources and facilities including telephone, email and internet
- d. inappropriate behaviour
- e. refusal to follow reasonable instructions
- f. breach of health and safety rules.

11.3 **Stage 2 - Final written warning.** A final written warning will usually be appropriate for:

- a. misconduct where there is already an active written warning on the record; or
- b. misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.

11.4 **Stage 3 - Dismissal.** Dismissal will usually only be appropriate for:

- a. any misconduct during a probationary period;
- b. further misconduct where there is an active final written warning on the record; or
- c. any gross misconduct regardless of whether there are active warnings on the record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are:
 - i Theft, or unauthorised removal of Council property or the property of a colleague, contractor, customer or member of the public; fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets;
 - ii Actual or threatened violence, or behaviour which provokes violence, bullying;

- iii Deliberate damage to the Council's buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public;
- iv Serious misuse of the Council's property or name;
- v Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- vi Unlawful discrimination or harassment;
- vii Action that does bring or is capable of bringing the Council into serious disrepute;
- viii Serious incapability at work brought on by alcohol or illegal drugs;
- ix Causing loss, damage or injury through serious negligence;
- x Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- xi Serious breach of confidence or unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- xii Accepting or offering a bribe or other secret payment
- xiii Conviction for a criminal offence that in the Town Clerk's opinion may affect the Council's reputation or relationships with our staff, customers or the public, or otherwise affects an employee's suitability to continue to work for the Council;
- xiv Possession, use, supply or attempted supply of illegal drugs;
- xv Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- xvi Knowing breach of statutory rules affecting your work;
- xvii Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;

- xviii Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- xix Giving false information as to qualifications or entitlement to work (including immigration status);
- xx Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- xxi Serious misuse of the Council's information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet, including accessing internet sites containing pornographic, offensive or obscene material);

This list is intended as a guide and is not exhaustive.

11.5 **Alternatives to dismissal.** In some cases alternatives to dismissal may be considered. This will usually be accompanied by a final written warning. Examples include:

- a. Demotion.
- b. Transfer to another job.
- c. A period of suspension without pay.
- d. Reduction in pay.
- e. Loss of future pay increments.

12 THE EFFECT OF A WARNING

- 12.1 Written warnings will set out the nature of the misconduct, the change in behavior required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
- 12.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases such as where an issue verges on gross misconduct or where warranted by specific misconduct such as a dangerous breach of health and safety, a final written warning may state that it will remain active indefinitely. Conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently the active period may be extended.

- 12.3 After the active period, the warning will remain permanently on the personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

13 APPEALS AGAINST DISCIPLINARY ACTION

- 13.1 If an employee feels that disciplinary action taken against them is wrong or unjust they should appeal in writing, stating their full grounds for appeal, to the Chairman of the Management Sub-Committee within five working days of the date on which they were informed of the decision.
- 13.2 If the appeal is against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.
- 13.3 If any new matters are raised in the appeal, it may be necessary to carry out further investigation. If any new information comes to light the employee will be provided with a summary including, where appropriate, copies of additional relevant documents and witness statements. A reasonable opportunity will be given to consider this information before the hearing.
- 13.4 An employee will be given written notice of the date, time and place of the appeal hearing. If no new matters are raised, this will normally be within fourteen days of the written notification to the Chairman of the Management Sub-Committee.
- 13.5 The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the discretion of the Appeals Panel depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 13.6 The appeal hearing will be conducted by an Appeals Panel made up of the Chairman and Vice Chairman of the General Purposes Committee and the Chairman and Vice Chairman of the Management Sub-Committee. Where any of these has previously been involved in the case, is unavailable, has a conflict of interest, or otherwise cannot or should not be involved, their place(s) will be taken by (an) impartial Councillor(s) appointed by the General Purposes Committee.
- 13.7 A companion may be brought to the appeal hearing (see section 9 above).
- 13.8 The appeal hearing may be adjourned if any further investigations need to be carried out in the light of any new points raised at the hearing. A reasonable

opportunity will be given to consider any new information obtained before the hearing is reconvened.

13.9 Following the appeal hearing the Panel may:

- a. confirm the original decision;
- b. revoke the original decision; or
- c. substitute a different penalty.

13.10 The employee will be informed in writing of the Appeals Panel's final decision as soon as possible, usually within five working days of the appeal hearing. Where possible this will also be explained in person. There will be no further right of appeal.

Introduction

1. The Management Sub-Committee considers, on behalf of the General Purposes Committee, the budgets under the control of that Committee. The purpose of this report is to determine the level of budget for these services that the Sub-Committee wishes to recommend to the General Purposes Committee meeting on 21st January 2020.

Background

2. The General Purposes Committee on 1st December 2020 considered the standstill budget for 2021-22 and indicative figures for the next two years based on a number of assumptions contained within the report.
3. Due to the uncertainty resulting from the Covid-19 pandemic, the standstill budget has been prepared on the following basis:
 - a. Individual budget lines have all been prepared on the basis of a return to pre-lockdown (i.e. October 2020) service levels from December 2020, and a return to full, normal service levels from April 2021.
 - b. A “Coronavirus Contingency” has been provided within the General Purposes Committee budget to cover the ongoing cost of the pandemic above this level. The Sub-Committee is not required to consider this aspect of the budget.
4. The figures to be considered by this Sub-Committee on the above basis are set out at the top of the next page.
5. In respect of the figures above, Members should note:
 - a. The Grants budget is currently significantly unspent, with only around £1,920 having been awarded so far this year. Any sum remaining unspent at the end of the financial year will be rolled-over and added to the budget for spending in 2021-22.
 - b. The Salaries and Employment Costs budget for 2021-22 and subsequent years includes the full year costs of the Marketing and Events Assistant post that is currently vacant. Pay awards have been provided for at 2% per annum.
 - c. The Insurance budget includes the impact of the improved terms agreed when the Council’s contract was renewed last year.

Actual 2019-20		Budget 2020-21	Forecast 2020-21	Budget 2021-22	Budget 2022-23	Budget 2023-24
£		£	£	£	£	£
5,635	Grants	10,365	10,365	8,200	8,300	8,500
149,018	Salaries & Employment Costs	158,300	162,700	162,300	165,500	168,800
4,915	Accommodation	4,500	5,000	5,100	5,200	5,300
6,632	Insurances	6,700	6,200	6,400	6,500	6,700
34,701	Administration	20,230	20,230	25,600	26,100	34,600
1,086	Audit & Legal Fees	2,000	1,200	2,000	2,000	2,000
26,636	Town Council Elections	0	0	0	0	30,000
2,460	Allowances - Mayor & Deputy Mayor	3,300	2,800	3,300	3,400	3,500
1,199	Regalia & Presentations	500	200	500	500	500
1,540	Civic Dinner & Hospitality	1,700	300	1,700	1,700	1,700
2,069	Remembrance Sunday & War Memorials	7,000	1,300	7,000	2,000	2,000
2,085	Miscellaneous	6,000	6,000	6,000	6,000	6,000
-950	Interest	-500	-400	-400	-400	-400
1,838	Neighbourhood Plan	7,900	0	7,900	0	-0
-11,461	Concurrent Functions Allowance	-11,500	-11,500	-11,500	-11,500	-11,500
227,403	TOTAL	216,495	204,395	224,100	215,300	257,700

- d. The administration budget includes £8,000 for the net cost of replacing the Council's iPads in 2023-24. Please note that this figure updates the one included in the 1st December 2020 General Purposes Committee report.
- e. The 2023-24 forecast includes the estimated cost of the May 2023 election. The cost of the May 2019 election has been challenged by the Council, so although the invoiced cost of the election is shown in 2019-20 above, the bill is yet to be paid. Any adjustment will be made in the year in which the adjustment is agreed. No provision has been made for by-elections, so should any be required the costs would need to be met from reserves.
- f. The Remembrance Sunday and War Memorials budget for 2021-22 contains a £5,000 provision for refurbishing the war memorial in Granville Square which has been held over from the current year.
- g. The Miscellaneous budget includes the cost of providing the infrastructure for the Stone Helpline.
- h. The Neighbourhood Plan budget for 2021-22 represents the spending of the balance of the reserve that the Council put aside for production of the Plan. Any amounts not spent can be returned to the Council's reserves or used as a contingency to fund the cost of future plan updates.
- i. Other budgets have been provided at broadly current levels, plus inflation.

6. As reported to the meeting of the General Purposes Committee on 1st December, the standstill budget is just the starting point for the budget process. Members will want to review this standstill budget and the amounts provisionally included. In addition, there are likely to be other areas where Members will want to undertake new developments or stop/change the things that the Council is doing now.
7. The Sub-Committee is asked to consider the standstill budget and any areas of growth or savings which they would want to be taken into account in setting the budget for 2021-22 and future years.

Recommendations

8. Members are asked to recommend the proposed budget for consideration by the General Purposes Committee on 19th January 2021.