



LONDON COLNEY PARISH COUNCIL

To: Councillor H Pakenham (Chair), M MacMillan, N Mahony and L Winstone

18 June 2021

You are hereby summoned to attend a **HUMAN RESOURCES COMMITTEE** meeting to be held on **TUESDAY 22 JUNE 2021, 3.30PM, CALEDON COMMUNITY CENTRE, CALEDON ROAD, LONDON COLNEY AL2 1PU**

Emma Payne
Clerk

AGENDA

1. **APOLOGIES**
2. **DECLARATION OF INTERESTS**
To receive members declarations of interest in items on the agenda.
3. **MINUTES**
To approve the minutes of the meeting held on 9 March 2021.
4. **TERMS OF REFERENCE**
To receive the Terms of Reference for this committee as agreed as part of the Scheme of Delegation, adopted on 5 May 2021.
5. **WORK PROGRAMME**
To receive and note the work programme for this committee.
6. **STAFF MATTERS (NON-CONFIDENTIAL)**
 - 6.1 **Member/Officer Protocol**
To review and adopt a Member/Officer Protocol
 - 6.2 **Dignity at Work/Bullying and Harassment Policy**
To review this policy and recommend adoption by Council.
 - 6.3 **Furlough**
To receive a report on furloughed staff
 - 6.4 **Absence Management**
To receive a report on workforce absence.
 - 6.5 **Staff Training and Development**
To receive a report on training for staff.
 - 6.6 **Staff Mobile Phones**
To receive a recommendation from F&GP about staff mobile phones.

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LONDON COLNEY PARISH COUNCIL

COMMITTEE: HUMAN RESOURCES COMMITTEE

DATE: 22 JUNE 2021

REPORT BY: EMMA PAYNE, CLERK

SUBJECT: TRAINING AND DEVELOPMENT

1. SUMMARY

1.1 Members are advised on the training and development needs of the workforce following their annual appraisals.

2. RECOMMENDATION

2.1 Members are asked to:

- a) Approve the following recommendations outlined in 3.2.
- b) Advise the Clerk if they wish to investigate Dementia friendly training.

3. BACKGROUND

3.1 All staff undertake an annual appraisal between January-March. This identifies their training and development needs so they can be met from the Council's training budget. The Council has adopted a training and development policy.

3.2 The following members of staff have had training needs identified:

Member of Staff	Training	Reason for Training
Leigh Casling	First Aid at Work	Current certificate expired 2020
	Ladder training	No formal qualification held
Mick Burge	First Aid at Work	Current certificate expired 2020
	Ladder training	No formal qualification held
Scott Nicol	Ladder training	No formal qualification held
Antonia Wingate-Martin	Emergency First Aid at Work	No formal qualification held
Anita Hall	GDPR	Training need identified

3.3 Following an in-house risk assessment, a First Aid at Work qualification (FAW) has been identified as the best course for the Grounds Maintenance Staff to hold. This course is designed for high-risk activities and provides comprehensive training for designated first aider. Emergency First Aid at Work (EFAW) is designed for low-risk employment situations and can be used for staff required to be emergency first aiders or to support a designated first aider. FAW is a three-day course, totalling 18 hours of study. EFAW is a one day, or 6-hour course.

- 3.6 The Clerk will seek prices to have in house training for FAW and see if there is any interest from other parish/town councils in the area to join the training session. As there is only one member of staff proposed to attend EFAW, the Clerk will seek local training courses. However, it may be more effective for the Events Officer to attend the FAW course.
- 3.7 Staff who regularly use ladders, and work at height, should be trained in their safe use. A course should include how to use the correct ladder for the job you are intending to use it for and making sure your equipment is safe before you use it. It is a requirement of the Health and Safety at Work Act 1974 to ensure staff safety and that they are given the relevant training to undertake their role safely. All grounds maintenance staff use ladders, on an almost daily basis and should be trained. There are online courses to cover this training. These courses cost £30 per person and can be undertaken online.
- 3.8 GDPR is an intrinsic part of the staff's responsibility, to ensure that the data handled by the Council is managed safely and appropriately. The Admin Officer handles all hall hire bookings and allotments as well as supporting the Clerk and Events Officer. The HAPTC runs an e-learning training course for £14.
- 3.9 The Clerk will be investigating further training in relation to being a dementia friendly employer and once she has further information and costs, she will liaise with the Chair of HR committee to instigate training for all Councillors and staff.

4. FINANCE

- 4.1 There is a staff training budget (100/4030) which currently stands at £363. It is highly likely that the training budget will be exceeded for 2021/22 and a virement from the Councillor training budget should be considered (balance of £438).

5. IMPACT ASSESSMENT

Strategic Plan	Ensures a well-trained workforce
Equalities	N/A
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	Training budget will be exceeded to meet these training requirements.
Resources (including workforce)	Enables staff to be fully trained to ensure compliance with legislation.
Risk Management	Reduces risk to the Council through protection of staff and resources.



7. CONFIDENTIAL ITEMS

To resolve to exclude the Press and public from the following items in accordance with the Public Bodies (Admissions to Meetings) Act 1960.

7.1 Staff Review including cleaning and catering matters.

8. DATE OF NEXT MEETING

28 September 2021

**LONDON COLNEY PARISH COUNCIL
MINUTES OF THE EVENTS AND COMMUNITY COMMITTEE
TUESDAY 30 MARCH 2021, 6.00PM – VIRTUAL MEETING**

PRESENT: Cllr McMillan (Chair), Pakenham, Pearl and Winstone

IN ATTENDANCE: E Payne, Clerk

1. APOLOGIES

Apologies were received from Cllr Gardner (health).

2. DECLARATION OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting held on 12 January 2021 were approved as a true record of the meeting.

4. MATTERS ARISING FROM THE MINUTES NOT ON THE AGENDA

4.1 Community Garden

Cllr Gardner was not present at the meeting and this item will be deferred to a future meeting.

5. FIREWORKS 2021

Members received a verbal report from the Clerk on this item. The Council's contractor had met with the Clerk and Events Officer who had discussed the Council's decision to have quieter fireworks (with lasers) for future events. The contractor had advised that lasers were not suitable due to the layout of the site. He had further advised that there is less selection for quieter fireworks, the display would not be as aerially based and would have to be reduced to 20 minutes, from its current length of 25 minutes because of the lack of variety of fireworks. Members accepted the reasoning behind this decision but if it is going to damage the event, they were not in favour of implementing it and were not in favour of reducing the length of the display. It was **RESOLVED** to recommend to Council that:

a) The decision on quiet fireworks is reconsidered based on new information from the firework contractor.

b) A requirement for quieter fireworks is implemented when the firework contract is renewed in 2022.

6. LARKS IN THE PARKS 2021

Members were advised that SADC have not confirmed with the Council whether this event would be held. Latest information from an industry body is that there is a series of pilot events being organised to ensure Covid safe events but the results of this will not be known until the end of May, possibly early June. Officers are of the opinion that they are unable to advise Members whether the event can proceed with sufficient time to organise a safe and successful

event. There are also financial considerations for any infrastructure which would have to be booked and then cancelled.

There are also problems with the surgery development overrunning (with an opening at the beginning of July). It would mean that the event could not be held at the Community Centre. Members noted this.

Members noted this and a decision will be taken at a future meeting.

7. SEATED EXERCISE CLASSES

Members received a report on the recommencement on the seated exercise classes at the community centre. Members were asked to consider restarting the event on the basis outlined in the report. Members were not in favour of charging London Colney residents, but agreed a charge of £1 would be levied to those attending who did not live in the parish. Members considered that the information contained in the report needed further consideration considering the latest government guidance regarding capacity. They queried what social distancing requirements were needed for exercise classes. The Clerk will check the details and report to a future meeting.

Members were asked to consider pre booking for the classes and agreed that this would be implemented. A booking system would also monitor the amount of people attending. They also agreed with running two sessions with a 15-minute gap between classes to allow for the area to be cleaned, and a one-way system to be operated. Until this further information is forthcoming, the activity will not resume.

8. COMMUNICATIONS STRATEGY

Members received a proposed communications strategy and social media policy for consideration. Members discussed the differences between the Council as a corporate body and individual Members who wished to communicate with the press, in relation to political parties. It was **RESOLVED** to recommend to Council that:

The Communications Strategy and Social Media Policy is adopted

9. COMMUNITY ENGAGEMENT POLICY

Members received a proposed community engagement policy. Members noted that the policy is often a requirement of grant applications. It was **RESOLVED** to recommend to Council that:

The Community Engagement Policy is adopted.

10. NEWSLETTER

Members were advised that several compliments had been received from residents about the latest edition. Members also reported that they had received compliments. Any articles for the next edition should be submitted to the Community & Events Officer, the deadline for submission of articles is 7 May 2021.

11. CONFIDENTIAL ITEMS

To resolve to exclude the Press and public from the following items in accordance with the Public Bodies (Admissions to Meetings) Act 1960 in view of the confidential nature of the business about to be transacted.

11.1 Outsourcing of Parish Council Services

Members received a verbal report on the initial discussions on outsourcing this service and noted that further quotations were being sought.

12. NEXT MEETING

To be confirmed.

The meeting closed at 1845.

Signed: Date:

DRAFT



LONDON COLNEY PARISH COUNCIL

TERMS OF REFERENCE

HUMAN RESOURCES COMMITTEE

Membership of Committee

- a) Four Parish Council Members of the Human Resources Committee are established at the Annual Meeting of the Parish Council including the Chair (as per Standing Orders)
- b) Three members shall constitute a quorum for meetings. If there are insufficient numbers of elected Members then the meeting will continue as a working party, with all recommendations to be ratified by Council.

Frequency of Meetings

- a) A minimum of five meetings in each full municipal year

Decision/Delegated Powers

- a) To consider and implement any changes which are required to comply with Employment Law, Health & Safety Law and Terms and Conditions of Service
- b) To be responsible for the preparation and submission of budget proposals in respect of salaries and employees' training to Finance & General Purposes Committee no later than 30 November each year.
- c) To determine the training and development policy of the Council.
- d) To consider and determine matters relating to salaries and conditions of service, and health and safety and employment policies relating to all employees of the Council, with reference to the Service of the National Joint Council for Local Authorities NJC policies and to determine Council policy as to those discretionary provisions contained in the scheme.
- e) To regularly review employment policies/procedures including the staff handbook.
- f) To monitor the internal operation of the Equality and Diversity Policy.
- g) To monitor the operation of the Health and Safety Policy and receive an annual report on its operation within the organisation.
- h) To oversee an employee's formal grievance(s) in line with the council's grievance procedures
- i) To review and receive feedback on the performance management framework for employees.
- j) To monitor absence management including long term sick leave
- k) To ensure that confidentiality is maintained over all staffing matters under the General Data Protection Regulation and the Code of Conduct by all members of the council.
- l) To provide two Members to constitute, along with the appropriate senior Officer, the Interview Board for all applicants for Council employment unless delegated to the Clerk and a Senior Officer.
- m) To grant the Interview Board the authority to make offers of employment except for the role of Proper Officer whose appointment shall be referred to Full Council. On making an offer of employment the Interview Board shall offer no more than the base salary agreed for the job plus 10% without reference to Full Council.

- n) Consultation Documents as appropriate to the committee.
- o) In line with the Council's strategic plan, to recommend to the Finance & General Purposes Committee, any changes in the Council's establishment resulting from a management review of the structure.
- p) To consider and make recommendations to Council on the appointment of the Clerk and on any matter relating to the conditions of employment and role of the Clerk.
- q) To determine the Council's policy in relation to discretionary items of the Local Government Pension Scheme.

Human Resources Work Programme 2021-22

Date of Meeting	Matter for Consideration	Responsible Officer	Background Information	Source Document (if applicable)
22/06/2021	Staff Review	Clerk	To consider recommendations from Staff Review for implementation at HR committee	Staff Review
	Absence Management	Clerk	To receive a report on absence management	Standing item
	Dignity at Work/Bullying & Harrassment Policy	Clerk	To receive this policy and recommend its adoption by Council	Policy Review
	Training and Development	Clerk	To identify future training and developments needs for Officers	Training & Development Policy
28/09/2021	Review policies in Staff Handbook	Clerk	To receive any amendments to the staff handbook	Standing item
	Equality & Diversity Policy	Clerk	To review this poicy and recommend its adoption to Council	Policy Review
	Review HR budget with recommendation to F&GP	Clerk	To review the staff budget and make recommendations to F&GP for inclusion in the budget	Standing item
02/11/2021	H&S Policy Monitoring	G&M Manager	To receive a report on the implementation of the Council's H&S Policy	Standing item
18/01/2022				
15/03/2022	Staff Appraisals	Clerk	To receive recommendations for training arising from staff appraisals	

LONDON COLNEY PARISH COUNCIL

COMMITTEE: HUMAN RESOURCES COMMITTEE

DATE: 22 JUNE 2021

REPORT BY: EMMA PAYNE, CLERK

SUBJECT: MEMBER/OFFICER PROTOCOL

1. SUMMARY

Members are asked to review this protocol, which was a recommendation from the staff review, and had been considered at the HR committee meeting on 9 March 2021.

2. RECOMMENDATION

Members are asked to recommend to Council that the attached Member/Officer Protocol is adopted.

3. BACKGROUND

3.1 Members previously considered this protocol at the HR committee meeting on 9 March 2021 and the Clerk was asked to investigate further two areas:

- a) Political Parties
- b) Access to the Clerk by Councillors.

3.2 The Clerk has been unable to find any guidance on how best to deal with political parties. NALC recommends that political parties are not relevant to the parish and town council sector, but this is general comment as political parties are prevalent in larger parish/town councils. The Clerk has therefore removed part of item 7.2 in the protocol. Political proportionality has been addressed in the Scheme of Delegation, adopted by the Council on 5 May 2021.

3.3 The Clerk would recommend that the proposed protocol remains as it is written when it comes to access to the Clerk. Members are reminded that no councillor has any higher standing than others, not even the Chairman. The Clerk is appointed by the Council as a corporate body and reports directly to all councillors.

3.4 The attached protocol is based on best practice, derived from model documents available through SLCC/NALC and through researching other Council's protocols including Colney Heath Parish Council.

3.5 It is not intended to be prescriptive and can be open to interpretation.

4. FINANCE

There are no financial implications.

5. IMPACT ASSESSMENT

Strategic Plan	Demonstrates best practice and would count towards Local Council Award Scheme Foundation Level
Equalities	Ensures Members and Officers adhere to Equality Act.
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	N/A
Resources (including workforce)	Manages staff resources
Risk Management	Reduces risk by ensuring a good working relationship between Members and Officers, negating need for disciplinary action which may open the Council to risk.



LONDON COLNEY PARISH COUNCIL

MEMBER/OFFICE PROTOCOL

1. INTRODUCTION

- 1.1 Mutual trust and respect between Members and Officers is essential to ensure good governance and the effective running of the Council. The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 It is important that there is a written protocol which can cover the respective roles and responsibilities of the Members, the Clerk, and other Officers; the relationships between Members and Officers; how concerns can be raised and who is responsible for making decisions.
- 1.3 Given the variety and complexity of such relations, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that may arise.

2. ROLE OF MEMBERS AND OFFICERS

- 2.1 Members and Officers depend on each other carrying out the work of the council.
- 2.2 Members are responsible to their electorate for so long as their term of office lasts and have a duty to act in the best interests of the electorate and the Council. Officers are responsible to the Council.
- 2.3 Members undertake many roles, broadly these are:
 - To determine Council policy and provide community leadership.
 - To monitor and review council performance in delivering services
 - To represent the council externally; and
 - To act as advocates for their constituents.
 - Expressing political values and supporting policies of the party or group to which they belong
- 2.4 Officers have the following roles:
 - Initiating policy proposals
 - Implementing agreed policy
 - Managing, and providing services and being accountable for the efficiency and effectiveness of the services provided
 - Providing professional advice to the Council, its various bodies, and individual members
 - Ensuring the Council always acts in a lawful manner.

3. EXPECTATIONS

3.1 All Members can expect:

- A commitment from Officers to the Council as a whole, and not to an individual Member, group of Members or political group
- A working relationship
- Officers to understand and support respective roles, workloads, and pressures.
- A timely response from Officers to enquiries and complaints.
- Reports will always contain a recommendation unless the issue is clearly one where political judgement is required.
- An officer's professional advice not influenced by political views or personal preferences.
- Regular, up to date, information on matters that they reasonably be considered appropriate and relevant to their needs; having regard to any individual responsibilities or positions that they hold.
- Respect, courtesy, integrity, and appropriate confidentiality from Officers.
- Training and development opportunities to help them carry out their role effectively.
- Not to have personal issues raised with them by Officers outside the Council's agreed procedures.
- That Officers will not use their contact with Members to advance their personal interests or to influence decisions improperly.
- That Officers will comply with the relevant code of conduct.

3.2 Officers can expect from Members:

- A working partnership.
- An understanding of, and support for, respective roles, workloads, and pressures.
- Leadership and direction.
- Respect, courtesy, integrity, and appropriate confidentiality.
- Not to be bullied or put under undue pressure.
- That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- That Members will, always, comply with the Council's adopted Code of Conduct.

4. GENERAL PRINCIPLES

- 4.1 Close personal relationships between Members and Officers can confuse their separate roles and get in the way of the proper conduct Council business. Special relationships between Officers with individuals or political groups should be avoided as it can create suspicion that an employee favours that Member or political group above others.
- 4.2 Members should not raise matters relating to the conduct or capability of officers at meetings held in public, or before the Press, as Officers have no means of responding to the same in public and such conduct would breach the trust and confidence the Officer is entitled to expect from the Council as their employer.
- 4.3 If any Member feels that they have not been treated with proper mutual trust, respect, or courtesy, or has any concerns about the conduct or capability on officer, they should raise the matter, in private, with the Clerk. Should the officer in question by the Clerk, the matter should be confidentially brought to the attention of the Chair of the Council.

4.4 Members should be aware that Officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press or not seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussion which may become abusive towards an employee and must protect that employee.

4.5 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, photocopying, transport to members is to assist them in discharging their role as members of the council. Such support services must therefore only be used on Council business. They should never be used in connection with political or campaigning activity.

5. CHAIRMAN/VICE CHAIRMAN, COMMITTEE CHAIRMAN – WORKING RELATIONSHIPS

5.1 The Chairman/Vice Chairman and Committee Chairmen have additional responsibilities. These responsibilities mean that their relationships with Officers may be different and more complex than those of other Members. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party-political nature or to do anything which would prejudice their impartiality.

5.2 It is important that there is a constructive working relationship between these roles and Officers of the Council.

5.3 Although, wherever possible, Officers will consult with respective Members as part of the process of drafting agendas and reports for meetings, the Clerk has ultimate responsibility for the final content for that agenda because setting the agenda constitutes an effective act which cannot be delegated to any individual Member.

5.4 Officers are fully responsible for agendas and the contents of reports which are prepared in their name.

5.5 At some meetings, a resolution may be passed which authorises named Officers to act between meetings, in consultation with the Chairman and/or specified Members(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s) who takes the action and it is the Officer who is accountable for it.

5.6 Officers are solely accountable to the Clerk and whilst they can seek to assist Members, they must not, in doing so, go beyond the bounds of whatever authority they have been given.

6. LINES OF REPORTING

6.1 The Clerk is responsible to the Council as a Corporate Body and as mentioned above, may work closely with the Chairman/Vice Chairman and the Chairmen of committees. If a Member has an issue with a decision undertaken by the Clerk in their role as the Council's Proper Officer, whether it be implementing a decision of the Council or undertaking an action under the Clerk's delegated authority; then in the first instance; the Member should approach the Chair or Vice Chair (if the Chair is not available) about the matter, and not contact the Clerk.

7. POLITICAL GROUPS

- 7.1 The operation of political groups is becoming more of a feature within Councils. Members are elected to serve their communities and should ensure that this the guiding principle by which decisions are made. Party politics within a Council can pose difficulties for officers in terms of accountability. The Council remains their employer and staff, via the management structure, are answerable to the Council as a whole.
- 7.2 To be recognised as apolitical group it must contain two or more members and a request to be recognised should be made to the Clerk. If this request is in order, the Clerk will advise all members that a political group exists. ~~In these circumstances, the Clerk will follow guidance on political groups from NALC and bring forward any proposed changes to Council.~~
- 7.3 Political groups have no power to require the Clerk or any other officer to attend group meetings or to prepare written reports for them and officers can legitimately refuse to do so. Any decision to do so will be taken by the Parish Clerk alone. The Clerk and other Officers are responsible to the Council as a whole and should not act under instructions from any individual Member, even if they have been styled 'leader' of the Council.
- 7.4 If the council has adopted political groupings, officer should ensure that where any reports or advice are offered to a political group, the statements are of relevant facts with an appraisal of options and do not deal with the political implications of the matter or options or make any recommendations. It is not the role of officers to make recommendations to a political group.
- 7.5 If a report is prepared for one political group, the Clerk should advise all other political groups and individual Members that the report has been prepared or that advice was given.

8. ACCESS TO INFORMATION & ADVICE

- 8.1 Members have a statutory right to inspect any Council document which contains material relating to the business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the member is a member of the body which is meeting and extends not only to reports which are to be submitted to the meeting, but also to any relevant background documents. This right does not, however, automatically apply to background documents relating to certain items which may appear as an exempt item on the agenda for a meeting e.g., information relating to Officers or criminal investigations.
- 8.2 The common law right of Members is based on the principle that any Member has prima facie right to inspect Council documents as far as the access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 8.3 The exercise of this right depends, therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know'. In this respect, a member has no right to a 'roving commission' to go an examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'.
- 8.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e., in connection with the proper performance of the Member's duties as a member of the council. This point is emphasised in the Code of Conduct.

- 8.5 Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, Members should not prevent other persons from gaining access to information to which those persons are entitled by law.
- 8.6 In order to safeguard against breaches of Data Protection legislation, Members should always seek advice from the Clerk before disclosing confidential information. Generally, personal information cannot be release without the consent of the person to whom it relates. Improper disclosure of confidential information can put the Member and the Council at legal and financial risk.
- 8.7 Regular contact between Members and senior Officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of Officers to perform their duties on behalf of the Council. Planned appointments, where meetings are needed to further the interests of the Council, are the best way of arranging contact between Members and Officers. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the Officer to carry out the work of the Council is not impeded and to ensure that the Officer can set aside an appropriate amount of time to meet with a concentrate on a Member or Group of Members.

9. CORRESPONDENCE

- 9.1 Correspondence between an individual Member and Officer may be copied to others with a relevant interest at the Officer's discretion unless it has been marked 'confidential'.
- 9.2 Where correspondence from a Member relates to Council policy or the interpretation of Council policy, a copy should be sent to the Chair/Vice Chair and the Clerk.
- 9.3 Under no circumstances should silent or bcc copies be made available to a third party and copies should only be sent to third parties with the express permission of the individuals concerned.
- 9.4 Official letters on behalf of the Council should, unless express authority has been given by Council, be normally sent out in the name of the Clerk.
- 9.5 The Clerk has overall responsibility for public relations and press releases issued on behalf of the Council. Political and lobby/action press releases and publicity must not be issues at the initiative of individual Members or Officers using the resources of the Council. There is nothing to prevent Members from communicating with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

10. BREACH OF CONFIDENTIALITY

- 10.1 Members and Officers must comply with the Council's data protection policy.
- 10.2 Members and Officers should never disclose or use confidential information for personal advantage or to the disadvantage or discredit of the Council or anyone else.
- 10.3 Any unauthorised disclosure of confidential information by a Member constitutes a breach of the Code of Conduct and will be reported to the Monitoring Officer. In respect of Officers, could lead to disciplinary action being undertake.

11. RESOLUTION OF ISSUES

- 11.1 From time to time the relationship between Members and the Parish Clerk (or other employees may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party.
- 11.2 The law requires all employers to have a disciplinary and grievance procedure which should be used. The Chair of the Council, nor any other individual member cannot, formally, resolve such matters on their own. A staffing committee or no less than, and no more than three members, with devolved authority to resolve such matters should be used.
- 11.3 If a Member is dissatisfied with the conduct, performance or behaviour of the Clerk or another employee, the matter should be raised in the first instance with the Clerk (if it applies to another member of staff) or the Chair of the Council (if it applies to the Clerk). If the matter cannot be resolved formally, it may be necessary to invoke the council's disciplinary procedure.
- 11.4 Questions of interpretation of this protocol will be determined by the Clerk.

LONDON COLNEY PARISH COUNCIL

COMMITTEE: HUMAN RESOURCES COMMITTEE

DATE: 22 JUNE 2021

REPORT BY: EMMA PAYNE, CLERK

SUBJECT: DIGNITY AT WORK/BULLYING & HARRASSMENT POLICY

1. SUMMARY

1.1 This policy is due to be reviewed with a recommendation for adoption by Council.

2. RECOMMENDATION

2.1 Members are asked to consider the revisions to the attached policy and recommend its adoption by Council.

3. BACKGROUND

3.1 An employer has a legal duty of care to protect its employees while they are at work. This includes dealing with bullying issues. If an employee feels that they must leave their employment due to bullying, then they might be able to make a claim of constructive dismissal. Therefore, this policy is in place to ensure that the Council has a policy to deal with an incident of bullying.

3.2 Bullying can take many forms, and the list in the policy (1.5) is not exhaustive. It can also take the form of discrimination of a protected characteristic.

3.3 The section on Councillors (item 3.6) has been reduced as this is covered by the newly adopted Code of Conduct.

4. FINANCE

4.1 There are no financial implications.

5. IMPACT ASSESSMENT

Strategic Plan	Ensures welfare of workforce
Equalities	Complies with Equalities Act
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	N/A
Resources (including workforce)	Protects workforce
Risk Management	Reduces risk of constructive dismissal claim against the Council.



LONDON COLNEY PARISH COUNCIL

DIGNITY AT WORK/BULLYING AND HARASSMENT POLICY

In support of our value to respect others London Colney Parish 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. This policy reflects the spirit in which the Council intends to undertake all 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 policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.

The Council will issue this policy to all employees as part of their induction and to all Members as part of their Welcome Pack. The Council will also make it available via our website in order to share this policy with contractors, visitors and members of the public.

1. Definitions

1.1 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.”

1.2 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.

1.3 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.

1.4 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.

- 1.5 Examples of unacceptable behaviour are as follows; (this list is not exhaustive)
- Spreading malicious rumours
 - Insulting someone
 - Ridiculing or demeaning someone
 - Exclusion or victimisation
 - Unfair treatment
 - Overbearing supervision or other misuse of position of 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.
 - Any other complaint made by a member of staff to their line manager to be considered on an individual basis.
- 1.6 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.

1.7 Penalties

Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council.

- 1.8 If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure.
- 1.9 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, often available from the Council's insurer, if such a matter arises.

2. The Legal Position

- 2.1 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 corporate employer, the council and the perpetrator(s) as individual named Respondents.

- 2.2 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.
- 2.3 The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

3. Process for dealing with complaints of Bullying and Harassment

3.1 **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 sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

3.2 Formal approach

3.2.1 **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 Chair of the HR Committee or another Councillor if more appropriate. It may 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.

3.2.2 **Others:** Any other party to the Council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the Council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The complaint should then be investigated, and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Members or officers of a council should use the council's official Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

3.3 **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. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required, and the council should contact an employer's body or ACAS to this effect, or the council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence

details of the full grievance will not be shared with the full council without prior approval by the aggrieved party. The council will commit not to victimize the aggrieved for raising the complaint once the appropriate dispute resolution process has been concluded.

- 3.4 **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.
- 3.5 For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure and would normally be treated as Gross Misconduct.
- 3.6 For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council, *this is covered under the Council's Code of Conduct.* ~~activities the range of sanctions available to the council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases, counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Standards Committee (England) or Ombudsman (Wales) reviewing the evidence under the Code in place at the time.~~
- 3.7 A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.
- 3.8 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 serious misconduct under the Disciplinary Procedure or a referral to the Standards process.

4. **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. There needs to be agreement about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings.

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.

The Council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken regularly (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

LONDON COLNEY PARISH COUNCIL

COMMITTEE: HUMAN RESOURCES COMMITTEE

DATE: 22 JUNE 2021

REPORT BY: EMMA PAYNE, CLERK

SUBJECT: ABSENCE MANAGEMENT

1. SUMMARY

1.1 The HR Committee is responsible for monitoring absence from work.

2. RECOMMENDATION

2.1 Members are asked to note the report.

3. BACKGROUND

3.1 Employee absence is a significant cost to most organisations, yet research suggests that only a minority of employers monitor this cost. In a small organisation, like the Council, staff absence can have a knock-on effect with colleagues taking the brunt of another member of staff's absence.

3.2 The Council has a Sickness Absence Policy, which is contained within the Staff Handbook, a copy of which is given to all staff members, either when they join the Council's employment or when the handbook is updated. The member of staff signs a disclaimer saying that they have received and will abide by the policies contained therein.

3.3 According to the ONS, the average number of days sick leave per year is 4.4 per employee. The Council has an enhanced sick pay scheme, which is set out in the employee's contract of employment.

Time Period	Number of Sick Days (Across entire workforce)
2018-19	8
2019-20	56*
2020-21	6

* Epigastric hernia repair (33 days off)

3.4 The Council's policy includes an occupational health assessment for a period of extended sick leave, with a phased return to work if necessary.

3.5 The Council has adopted a Business Continuity Plan, to ensure that if a key member of staff is on long term sick leave, their role can be covered by hiring outside contractors.

4. FINANCE

- 4.1 If there is sick leave, the workload is picked up in house, with notable exceptions (covered by business continuity plan). Expenses relating to hiring external contractors would be met from General Reserves.

5. IMPACT ASSESSMENT

Strategic Plan	Welfare of workforce
Equalities	Adherence to Equalities Act in relation to protected characteristics.
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	Extended sick leave does have an impact on staff budgets if replacement staff are required.
Resources (including workforce)	Could affect morale
Risk Management	Business Continuity Plan adopted to highlight when a member of staff is on sick leave and who undertakes their role.

LONDON COLNEY PARISH COUNCIL

COMMITTEE: HUMAN RESOURCES COMMITTEE

DATE: 22 JUNE 2021

REPORT BY: EMMA PAYNE, CLERK

SUBJECT: STAFF MOBILE TELEPHONES

1. SUMMARY

1.1 At the Finance & General Purposes Committee meeting held on 11 March 2021, the following resolution was passed:

a) It was **RESOLVED TO RECOMMEND TO THE HR COMMITTEE** that:

The Human Resources Committee consider the provision of IT and mobile phone access for staff.

1.2 This was after the Clerk informed the committee that the Grounds Maintenance Manager did not have his own laptop and that all staff used their own mobile phones for Council business, including as part of the Council's lone working risk assessment.

1.3 A laptop has now been purchased from the Grounds Maintenance Manager.

2. RECOMMENDATION

2.1 Members are asked to:

- a) Note the report and the free trial offered by Hertscom.
- b) Subject to the successful trial, delegate to the Clerk the decision on the phone system.

3. BACKGROUND

3.1 The parish council has operated during the pandemic on the goodwill of Hertscom, the Council's IT provider, who has diverted office phones to staff mobile phones when office staff have been working from home. This is not a service that they normally offer free of charge, but it can be a paid for service.

3.2 They offer an upgraded phone system called 3CX. It comes with an app as part of the system (called the 3CX app). This operates as an app on Android and iPhone. It allows the making and receiving of calls via the app in the same as you do on an office desk phone but also adds a lot of new functionality. It does not touch the bill of the mobile phone the app runs on, nor does it use the mobile phone number. It is independent of the mobile phone, but it does use Wi-Fi and/or the phone's 3G/4G to connect to the system.

3.3 We have been offered a free trial from Monday 21st June for a period of one month. The office phones will need to be configured and an app added to staff mobile phones.

3.4 The office phones are first generation and may need to be replaced in the next 12-24 months, depending on the success of the trial. If the trial is successful, we can opt to leave them as they are.

4. FINANCE

4.1 The cost of implementing this phone system will follow (awaiting quote from Hertscom).

5. IMPACT ASSESSMENT

Strategic Plan	
Equalities	
Environmental/Sustainability	
Crime & Disorder	
Financial	
Resources (including workforce)	
Risk Management	