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DOCKING PARISH COUNCIL'S GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)

- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Borough Council Kings Lynn and West Norfolk council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its equality and diversity) and in accordance with the code of conduct regime

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the

matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the personnel committee or, if appropriate, another member of the personnel committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the personnel committee.
6. The personnel committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy

- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the personnel committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, e.g.:

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

14. The appeal will be heard by a panel of three members of the personnel committee who have not previously been involved in the case. There may be insufficient members of

the personnel committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the personnel committee. The appeal panel will appoint a Chairman from one of its members.

15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the personnel sub-committee
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the personnel committee or substitute its own decision.
20. The decision of the appeal panel is final.

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Adopted March 2021
Review biannually (once every 2 years)

Docking Parish Council

Group Membership Policy and Register

1. Introduction

This policy provides guidance on the operation and governance of sub-committees, working groups, and Councillors' roles as representatives of Docking Parish Council on external groups. It operates within the framework of the Council's **Standing Orders**. In the event of any conflict or ambiguity, the **Standing Orders** take precedence over this policy.

2. Establishing and Disbanding Sub-Committees and Working Groups

The creation or disbandment of sub-committees and working groups will be conducted in accordance with the procedures set out in the Council's Standing Orders.

3. Councillors' Memberships of External Groups

Councillors may be invited or appointed by resolution of the Council to represent Docking Parish Council at external groups or organisations.

External groups may invite 1 or 2 councillors to represent the PC and create an effective communication channel but may not specify which councillor.

4. Register of Sub-Committees, Working Groups, and External Group Memberships

The Parish Clerk shall maintain a **Register of Sub-Committees, Working Groups, and External Group Memberships**, which will serve as a living document, updated as necessary. This Register shall include the following details for each entry:

- **Group Name:** The name of the sub-committee, working group, or external group.
- **Purpose:** A brief description of the group's role and objectives.
- **Membership:** A list of members, including the Chair and any co-opted members. For external groups, this will list the appointed Councillor(s). Councillor memberships shall also be noted on the Parish Council website.
- **Meetings:** Details of meeting schedules and locations.
- **Authority:** Any delegated powers explicitly granted by the Council.

The Register shall be reviewed regularly to ensure it reflects the current status of all sub-committees, working groups, and external group memberships and shall be appended to this document.

5. Reporting and Decision-Making

- **Reporting Requirements:** All sub-committees, working groups, and Councillors representing the Parish Council on external groups must report their activities, actions, and recommendations to the full Parish Council. Reports should be provided at the next Council meeting following any group meeting.

- **Decision-Making:** No sub-committee, working group, or external group representative may make decisions or take actions on behalf of the Council unless such powers have been explicitly delegated by resolution of the Council.
- **Delegated Authority:** Any delegated authority must be documented in the group's terms of reference and within the Register.

6. Policy Review

This policy shall be reviewed bi-annually or when changes to the Standing Orders or other relevant regulations occur.

Appendix: Living Register of Sub-Committees, Working Groups, and External Group Memberships

Register Overview: The Register contains details of all current sub-committees, working groups, and external group memberships and is maintained by the Parish Clerk. Below are the entries:

Group Name	Members	Details
Finance Committee	Cllr. Melanie Lewis, Cllr. Nicola Durrant Cllr. Lisa Leverett Cllr. Angela Archdale Clerk / RFO	- Purpose: To oversee the Parish Council's financial matters in line with Financial Regulations. Responsibilities include: 1. Authorising bank payments that have been: - Approved by the Council; and set up by the Responsible Financial Officer (RFO). 2. Meeting to discuss financial issues and presenting reports to the Council as required. 3. Reviewing financial documents and recommending actions to the Council. 4. to carry out annual Financial Risk assessment to present to council for publishing on the website 5. To review the monthly report ahead of the PC meeting to advise any concerns. Meetings: As required at [location]. Authority: Delegated authority only to authorise bank payments in accordance with the conditions above.

Group Name	Members	Details
Personnel Committee	Cllr. Melanie Lewis Cllr. Angela Archdale Cllr. Lisa Leverett	- Purpose: To address staffing matters, including recruitment, appraisals, and staff grievances. Meetings: As required at [location]. – Authority: Recommendations to be made to the Council.
Planning Committee	Cllr. Sandra Howard Cllr. Kate Kilby	Purpose: 1. To review and recommend Council responses for the Clerk to submit, under delegated authority, when responses are required before the next Council meeting. 2. To hold a copy of the Neighbourhood Plan and advise on its application in Council consideration of planning applications. Meetings: As required. Authority: Delegated authority to provide recommendations to the Clerk for submission on behalf of the Council.
ORG Working Group	Cllr. Angela Archdale Cllr. Lisa Leverett Cllr. Nicola Durrant	Purpose: To coordinate projects around the ORG (Outdoor Recreation Ground). Meetings: As required at [location].
External Group Membership: Toad Watch	Cllr. Melanie Lewis	Purpose: To support and liaise with the village organisation on helping Toads across the road toads. Meetings: As scheduled by Toad Watch. - Authority: Reporting back to the Parish Council.

Adopted 15/03/2021
Reviewed: biannually

Last reviewed: 06/12/2024

DOCKING PARISH COUNCIL HOMEWORKING POLICY

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Policy

The Council recognises the advantages of home-based working and some job roles may not be appropriate to undertake at home.

This policy describes the working arrangements and expectations that will apply if you work from home.

Scope of this policy

It applies to all staff who are home-based whether full time, part time or fixed term. It does not apply to office-based staff who work from home on an ad-hoc basis.

Safe working environment

Health and safety for home-based staff applies in the same way as office-based staff, insofar as is reasonably practicable, that you work in a safe manner and that you follow all health and safety instructions issued by us.

You must complete and submit a 'Home Based Workers Risk Assessment' to the Personnel Committee. This is a checklist for you to identify any possible hazards in your home working area. Following completion of the checklist, measures may need to be taken to control any risks identified. This checklist should be completed annually, or more frequently if there are any changes to your arrangements such as new equipment or changes to your home-office space.

You must complete and submit a workstation risk assessment and ensure that this remains up-to-date. If you have any questions about the risk assessment, or if you identify any potential risks when carrying out the assessment, you should refer these to the Personnel Committee in the first instance.

Some of the most important considerations include: -

- If possible, an area should be set aside from the rest of your living space to ensure that you are able to work from home without distractions,
- Your home office should have adequate space for you to work safely and comfortably,
- Your desk should be large enough to accommodate your equipment and paperwork,
- You should have sufficient storage and your workspace should be organised so equipment is close to hand,
- Your work area should be well lit, with natural lighting if possible,
- Equipment and sockets should be situated to avoid potential trip hazards, and,
- You must also ensure that you visually check the cables of any electronic equipment supplied to you regularly (and at least every 6 months) and report any defects.

We reserve the right to visit you at home at agreed times for work-related purposes, including health and safety matters and to inspect, service or repair equipment (e.g. for PAT testing).

Facilities and equipment

The council will provide you with the following equipment for you to work from home and we will maintain and replace these items when necessary.

- Office chair
- Printer/scanner
- Laptop computer
- Mobile telephone

It is your duty to ensure that proper care is taken of the equipment provided to you and to let the Personnel Committee know of any need to maintain or replace the equipment. Should the risk assessment identify any further equipment that is necessary, please discuss this with the Personnel Committee.

All equipment provided by the council is for you to work safely and effectively at home and cannot be used for personal use by you or your family.

All equipment will belong to the council and you will be required to return it to us promptly should you leave our employment. If we are unable to make suitable arrangements, we may collect the equipment and any documents before your last day.

Hours of work

As a home-based worker, your contract of employment will specify the hours when we expect you to be at work and contactable by telephone or email. There may be times during the working day when you are not available in which case these should be flagged to the Personnel Committee with prior authorisation.

You must be mindful to take adequate rest breaks which should be, as a minimum:

- A break of at least 20 minutes during each working day over 6 hours,
- A daily rest break of at least 11 continuous hours, i.e. the time between stopping work one day and beginning work the next day, and,
- At least one complete day each week when no work is done.

Potential conflicts of interest

During your hours of work, the council expects that your work environment enables you to work effectively and that you are not distracted by domestic matters. It is not appropriate to combine homeworking with caring for a dependant.

If there is an emergency and you need to attend to a non-work matter, then you should notify the Personnel Committee (see the Dependant Leave Policy).

Data protection

As a home-worker you are responsible for keeping all documents and information associated with the council secure at all times. Specifically, homeworkers are under a duty to:

- Keep filing cabinets and drawers locked when they are not being used,
- Keep all documentation belonging to us in the locked filing cabinet at all times except when in use,
- Set up and use a unique password for the laptop computer, and,
- Ensure that documents are saved to the server rather than the laptop computer's hard drive.

Furthermore, the laptop computer and other equipment provided by us must be used only for work-related purposes and must not be used by any other member of the family at any time or for any purpose.

If you have a telephone conversation where you are discussing confidential work matters, you should ensure that such calls take place in privacy to avoid inadvertent breach of confidentiality.

Visits to work premises

On occasions you may need to attend council offices for training, performance assessment meetings, team briefings etc. This will normally not be frequent, and the dates and times of such visits will be agreed in advance.

Insurance, mortgage or rental agreements

Whilst our Employer's Liability Insurance extends to home based staff, and any council equipment installed in your home will also be covered, you should ensure that any agreement with your landlord or mortgage lender allows you to work from home, and that your house buildings and contents insurance will not be invalidated by you working from home.

Adopted: 15th March 2021

Review: Biannually (every 2 years)

Adopted 15/03/2021
Reviewed: biannually

Last reviewed: 06/12/2024

Docking Parish Council IT Usage and Security Policy for Staff and Council Members

Introduction

The purpose of this policy is to ensure that all staff and council members use Parish Council IT equipment responsibly and safely. This includes using it for Council-related tasks, protecting against viruses and cyber threats, complying with security measures, and managing sensitive information appropriately.

This policy aims to protect both the Parish Council's IT assets and the security of the data and systems in use.

Appropriate Use of IT Equipment

- **Council Equipment:** All IT equipment, including computers, tablets, smartphones, and peripherals (such as printers and scanners), provided by the Parish Council is for official Council business only.
- **Usage Restrictions:** Personal use of Council IT equipment should be kept to an absolute minimum. Council devices should not be used for personal emails, social media, or accessing non-work-related websites.
- **Respect for Equipment:** All users should take reasonable care to avoid damaging equipment. Devices should not be dropped, exposed to water, or subject to physical stress (e.g., rough handling or dropping).

Internet and Network Access

- **Safe Browsing:** Internet use on Council devices should be limited to accessing websites relevant to Council work. Users should avoid visiting sites that are not related to Council activities or may contain inappropriate or harmful content.
- **Protecting Against Cyber Threats:** To mitigate the risk of hacking or viruses, users must adhere to the following practices:
 - **Use Only Authorized Software:** Only software and applications approved by the Parish Council should be installed on Council devices.
 - **Virus Protection:** Ensure that all internet activity, including emails and downloads, is done through devices with up-to-date antivirus software. This software must be configured to run automatic scans regularly.
 - **Safe Internet Connections:** When accessing the internet remotely (e.g., from home), ensure that the device is connected to a secure network. Avoid using public Wi-Fi networks for accessing sensitive information.
 - **Multi-Factor Authentication (MFA):** All Council members and staff must use MFA where available for accessing any Council systems, email, and shared files to prevent unauthorized access.

Security Measures

- **Password Protection:** Strong passwords must be used for all Council accounts, systems, and devices. Passwords should be at least 8 characters long and include a combination of upper and lowercase letters, numbers, and special characters.
- **Locking Devices:** When leaving an IT device unattended, it must be locked or logged off. Devices should be password-protected, and screens should be locked when not in use to prevent unauthorized access.
- **Data Encryption:** All sensitive Council data stored on devices must be encrypted to protect information from unauthorized access, particularly if the device is lost or stolen.
- **Compliance with Policies:** Users must comply with any other security measures or guidelines issued by the Parish Council, including software updates and firewalls, to ensure ongoing protection against risks.
- **Downloads and local storage:** Data and sensitive information must not be downloaded and stored locally on Tablets and Laptops.

Handling Lost or Stolen Equipment

In the event that a Council device is lost, stolen, or left unattended where it might be accessed by unauthorized individuals, users must follow these steps immediately:

1. Contact the Parish Clerk:

1. Notify the Parish Clerk immediately to report the loss or theft.
2. The Clerk will block access to Council email accounts through NALC
3. The clerk will block access to all Sharepoint files (either by password protecting the whole drive, or moving to an offline location) and request from IT supplier that the user be logged out and passwords reset.

2. Remote Wiping

1. No documents are downloaded to Tablets so remote wiping is unnecessary; access passwords will be reset to prevent access to emails and shared drives.
2. The council Laptop (Clerk's Laptop) will be remote wiped by the Council's IT supplier.
3. **Access Revocation:** The Clerk will revoke access to email accounts, shared files, and any other cloud-based services used for Council work to prevent unauthorized access.
4. **Report to Authorities:** In cases of theft, report the incident to the local authorities for further action.
5. **Replacement Equipment:** If the device is not recoverable, the Clerk will arrange for a replacement device following the Council's asset management procedures.

General Responsibilities

- **Compliance:** All staff and council members are responsible for adhering to this policy and ensuring the safe use of Council IT equipment.
- **Reporting Issues:** Any security breaches, suspicious activity, or potential risks should be reported immediately to the Parish Clerk.
- **Training:** All staff and council members will be required to undergo training on cybersecurity and the responsible use of IT equipment, including the use of MFA, virus protection, and secure internet practices.

Consequences of Misuse

Failure to follow the guidelines outlined in this policy may result in disciplinary action, including the loss of access to IT equipment and systems, depending on the severity of the breach.

Docking Parish Council Pensions Policy – LGPS

Council is required to have a pensions policy. This has been taken from the recommendations of the Local Government Pension Scheme [LGPS] and amended to suit Docking Parish Council's [DPC] requirements and stated preferences. Some are required, some are compulsory – this policy clearly identifies each. As DPC did not have a pension scheme prior to 2014, sections relating to that have not been included

1. Compulsory Itemsⁱ

Funding of Additional Pension: Regulation 16(2e) 16(4d)

Council may fund wholly, or in part, a member's additional pension contract. The payment can be paid by regular contributions or a lump sum.

NB. Where an APC is used to cover a period of unpaid leave and the member makes an option to pay for it within 30 days of returning to work then the employer has to pay 2/3 rd of the cost with the member paying the rest of the balance.

Awarding Additional Pension: Regulation 31

Council may increase a member's benefits by awarding additional pension up to a maximum of £6,500 p.a. from April 2014. This amount is subject to an annual increase each April.

Flexible Retirement: Regulation 30(6)

Council may give consent for a member aged 55 or more who reduces their grade or hours of work (or both) to receive all or part of their LGPS benefits immediately, even though they have not left its employment.

Waiving of Actuarial Reduction: Regulation 30(8)

If the benefits payable on retirement before normal pension age would normally be reduced for early payment, Council may agree to waive all or part of the reduction

2. Non Compulsory Items – Included

Forfeiture of Pension Rights: Regulations 91, 92, 93

If a member leaves as a result of a conviction for an offence in connection with their LGPS employment, or as a result of their own criminal, negligent or fraudulent act in connection with that employment, Council has discretion (within the terms of these three regulations) to direct that all or part of their LGPS pension rights should be forfeited and/or paid over to the employer or specified dependants of the member.

Appointment of Adjudicator for Member Disagreements: Regulation 74(1)

There is a three-stage dispute procedure for members who disagree with any LGPS decision made by their employer. The first stage is handled by the employer. Council

must appoint an Adjudicator either internally or externally – unless specified, this will be the Chair of Council acting in concert with the Personnel Committee.

Contact details, and role, of any adjudicator appointed externally will be provided on request.

Admission Policy ('designating bodies' only): Regulation 3(5)

Council is a "designating body" under the LGPS. DPC will consider admission of its employees to the LGPS at time of appointment, or at any subsequent point. There is no automatic right to such admission

3. Non-Compulsory Items – Not Included

On adoption of this Policy, Council elected not to include the items below. Adoption would require a revision to this Policy.

- **Membership Aggregation:**

Regulation 22(7b)(8b) Shared Cost

AVCs: Regulation 17(1)

- **Transfers of Pension Rights: Regulation 100(6)**
- **Members' Contribution Rates: Regulation 9(3)**

This Policy was adopted at the meeting on 20/01/2022

ⁱ Council notes the cost of these compulsory items would fall on it, as the employer.

Docking Parish Council Privacy Policy

Introduction

This Privacy Policy outlines how Docking Parish Council collects, uses, stores, and protects personal data in compliance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The council is committed to transparency, accountability, and safeguarding individuals' privacy.

Scope

This policy applies to all personal data processed by Docking Parish Council, including data relating to:

- Employees
- Volunteers
- Councillors
- Suppliers
- Tenants
- Customers
- Members of the public.

Roles, Responsibilities and Risk

The General Data Protection Regulations and the Data Protection Act 2018 require that everyone within Council must understand the implications of data protection and that roles and duties must be assigned:

- Council is the data controller
- The Clerk is the data processor and is responsible for
 - undertaking an information audit
 - managing the information collected by Council,
 - the issuing of privacy statements
 - dealing with requests and complaints raised
 - the safe disposal of information
 - ensuring registration with the ICO

A breach of the regulations could result in Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

Data Protection Principles

We adhere to the following principles when processing personal data:

- Process data lawfully, fairly, and transparently.
- Collect data for specific, explicit, and legitimate purposes.
- Ensure data is adequate, relevant, and limited to what is necessary.
- Maintain accurate and up-to-date records.

- Retain data only for as long as necessary.
- Implement appropriate security measures to protect data.

Types of Data We Collect

We may collect and process the following types of personal data:

- Contact details: name, address, email, phone number.
- Employment details: job applications, payroll information.
- Sensitive data: health, racial/ethnic origin, and religious beliefs (with consent prior to collection).
- Information related to council services: correspondence, requests, and feedback.

Legal Basis for Processing Data

We rely on the following legal bases for processing personal data:

- Consent from the individual.
- Necessity for contract performance.
- Compliance with legal obligations.
- Tasks carried out in the public interest.

Data Sharing and Retention

Personal data may be shared with trusted third parties such as auditors, IT providers, and legal advisors. We ensure appropriate safeguards are in place. Data will be retained only as long as necessary, based on legal or operational requirements.

Individual's Rights

Under GDPR, individuals have the following rights:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making incl. profiling.
- the right to complain to the Information Commissioner's Office which enforces data protection laws: casework@ico.org.uk Tel: 0303 123 1113

If a request is received to delete information, then the Clerk must respond to this request within a month. The Clerk has the delegated authority from Council to delete information.

If a request is considered to be manifestly unfounded then the request could be refused or a charge may apply. This will be in line with the charges for copies of Audit reports.

Adopted 06/12/2024

Reviewed: Biannually

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Children's Data

We process children's data only with parental or guardian consent. The age of consent is 13 years. All communications and consent forms for children are written in language appropriate for their age.

Data Security

We take technical and organizational measures to protect personal data from unauthorized access, loss, or misuse. Measures include secure storage, password protection, and regular audits.

Contact Information

For any questions about this policy or to exercise your rights, please contact:

Parish Clerk: clerk@dockingparishcouncil.gov.uk

Adopted December 2024

To be reviewed biannually (every 2 years)

Docking Parish Council Records Management Policy

Welcome

Docking Parish Council has always strived to be an 'open' authority and will continue to seek ways of being more open for the benefit of its residents

The Freedom of Information Act 2000 (FOIA) received Royal Assent on 30th November 2000. Under this act every Public Authority is required to adopt and maintain a publication scheme setting out the classes of information it holds, the manner in which it intends to publish the information and whether a charge will be made for the information. With effect from 1 January 2009 the Information Commissioner's Office (ICO) is changing the emphasis to a generic model.

Introduction

It is the duty of the Parish Council to provide good quality services at an acceptable cost, to continually improve the delivery of public services and to marshal such services across its entire area.

What is the Publication Scheme?

The aim of the Scheme is to provide guidance to the public on what information is available and how to obtain it. The information is broken down into 'Classes' to reflect the types of activities in which the Parish Council is involved. The information will be formally published as printed material, electronic format or available through the website.

It is expected over time that the amount of information available will increase and additional classes will be added. At the present time the Classes have been grouped into the following categories:-

1. Administration / Governance
2. Finance
3. Property
4. Miscellaneous

Exemptions

It is Docking Parish Council's policy to be as open as possible. However, not all information can be made available to the public. Information will be made available where the law allows, except where it is considered that the release of that information will cause significant harm or prejudice. Information (including that listed in this document) will be withheld from publication in whole or in part where it is considered by the Parish Council that disclosure may harm or prejudice law enforcement, legal proceedings or the administration of justice; or may infringe the privacy,

Docking Parish Council Reviewed Dec 2024

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personal, commercial, contractual or other confidences of any person or otherwise infringe their rights; or because disclosure is otherwise prohibited by law. In such cases the Parish Council will withhold the information and indicate the relevant exemption under the appropriate legislation. If you wish to complain about the information having been withheld you are referred to the section on 'Complaints Procedures'.

Archiving Policy

It is impossible for the Parish Council to keep all information forever. Therefore in line with the Parish Council's Records Management Policy it will be either destroyed or archived. The Publication Scheme will indicate for how long the information is kept and whether it is archived or destroyed after this time. If it is archived then the Norwich County Council Record will need to be contacted directly.

Access to Information

All information listed in the Publication Scheme can be viewed by appointment by contacting:

The Parish Clerk/Responsible Finance Officer

Docking Parish Council

Clerk@dockingparishcouncil.gov.uk

Copies of information can be supplied electronically.

All information not covered by an exemption will ordinarily be released to the applicant within 20 working days of receipt of the request, unless it is necessary to issue a fees notice (see below for details).

Charging policy

The majority of cases will not attract charges other than those set out in the scheme for photocopying, disks, postage etc. However if the request for information is likely to exceed the Appropriate Limit (which is deemed to be 18 hours pro rata i.e. 4 hours of staff time) a charge will be made of £25.00 per hour plus expenses for any additional time above this time. .

The applicant will be issued with a Fees Notice and must pay the costs specified therein within a period of three months. The Parish Council is under no obligation to supply the information requested until the applicant has paid the requisite amount. Note: If the costs are not paid within three months then the request lapses.

The Parish Clerk will, in the first instance, consider all requests for the release of information and issue a Fees Notice if appropriate.

Complaints

Any complaints concerning the publication scheme should be forwarded to the

Parish Clerk/Responsible Finance Officer clerk@dockingparishcouncil.gov.uk

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MANAGEMENT OF RECORDS POLICY

Key P: Preserve permanently

R: Review

D: Destroy

<u>Record</u>	<u>Action</u>	<u>Minimum Retention Period</u>	<u>Reason</u>
Administration			
Signed Minutes of Council or Committee	P	Indefinite	Archives
Reports and other documents circulated with agendas not attached to signed Minutes	R	Indefinite	Archives
Agendas	P	Indefinite	Archives
Draft Minutes	D	Destroy when Minutes approved	
Procedural Standing Orders and Terms of Reference	P	Indefinite	Archives
Councillors' Declarations of Office	P	Indefinite	Archives
Nomination forms for Parish Council elections	R	Indefinite	Maintained by WC
Title Deeds	P	Indefinite	Audit, Management
Registration of Village Greens, plans, etc	P	Indefinite	Audit, Management
Property registers and terriers, including register and plans for allotments	P	Indefinite	Audit, Management
Maps, plans and surveys of property owned by the Parish Council	P	Indefinite	Archives
Correspondence and papers on important local issues or activities	P	Indefinite	Archives
Leases, Agreements, Contracts & Wayleaves	P	Indefinite	Audit, Management
Quotations and tenders for major works	R	12 years/Indefinite	Statute of limitation
Quotations and tenders for minor works	D	12 years	Statue of limitation
Unsuccessful tenders	D	3 years	Challenge
Routine correspondence, papers and emails	D	Retain as long as useful	
Personnel records	D	3 months	Limitation period

Health & Safety records	P	Indefinite	
Scale of Fees and Charges	D	5 years	Management
Insurance Policies	D	Retain while valid	
Email Correspondence	R / D	Retain whilst useful or pertinent – periodically , useful information should be filed by clerk in digital folders and	

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		emails deleted.	
Finance			
Income and Expenditure records	P	Indefinite	Archives
Investments	P	Indefinite	Audit, Management
Financial Returns to External Auditor (if general accounts do not survive)	D/P	7 years	Audit
Internal Auditor Reports	D/P	7 years	Audit
Postage Records	D	7 years	TAX, VAT, Limitation period
Bank Statements	D	7 years	Audit
Bank Paying-in books and cheque book stubs	D	7 years	Audit
Paid Invoices	D	7 years	VAT
Paid Cheques	D	7 years	Limitation period
VAT Records	D	7 years	VAT
Time Sheets	D	7 years	Audit
Salaries Records	D	12 years	Limitation period
Member Allowances Register	D	7 years	TAX Limitation
Property			
Asset Register	P	Continuously updated	
Legal papers relating to acquisition	P	Indefinite	
Correspondence relating to maintenance/improvements	R / D	7 years or as long as useful	
Correspondence relating to rents	R / D	5 years or dependent upon terms of lease	
Plans, surveys, installation manuals, certificates of approval	D	Retain for life of property/ building or as long as useful	
Miscellaneous			
Maps created under provision of the Rights of Way Act 1992	P	Indefinite	Archives
Parish Newsletter	D	5 years	
Press cuttings books	P	Indefinite	
Photographs	R	Retain as long as useful / wanted	

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December 2024: Risk Assessment : Action List

1. **Share password locations:** Share password locations with Chair and Vice Chair.
2. **Clerk's Handbook:** Create and update the Clerk's Handbook (rolling project).
3. **IT Support:** Review IT support.
4. **Paper Record Collection & Digitization:**
 - a. Collect papers from Pound, digitize, and archive as appropriate.
Periodically,
 - b. Clerk will archive paper records at the NCC / NALC recommended archive solution.
5. **Electronic Backup:** Consider additional electronic backup.
6. **Signatories Responsibility:** Ensure signatories understand their responsibility:
Payments must be checked against the authorized payments list for errors.
7. **Application of GPC:** Suggest a resolution to defer application of the General Power of Competence (GPC) until 5 years of clear audit and no substantial change to membership.
8. **Contractor / asset management: Review Agreements & Fees:**
 - a. Review agreements and fees tri-annually (or as required)
 - b. Annual review of contracts.
 - c. Clerk to maintain a living register of contracts for Clerk's Handbook.
9. **Appointment & Payment System:** Existing appointment and payment system is adequate.
10. **Financial Statements:** Include financial statements when setting the precept.
11. **Clerk / RFO Role Review:** Review Clerk's / RFO role and description against SLCC advice at annual appraisal.
12. **Good Employer duties:**
 - a. Membership of SLCC
 - b. Monitor working conditions.
Ensure Councillors read guides on behavior, undertake training, and follow the Code of Conduct.
13. **Land & Buildings Valuation:** Conduct a valuation of land and buildings as required.
Organize inspections.
14. **Tree Audit:** Tree audit required.
15. **Risk Assessment:** Undertake a risk assessment for each area of PC land.
16. **Training:** Undertake adequate counsellor and Clerk-training as required.
17. **Signage:** Look into signage as needed – ponds, ORG
18. **Declaration of Interests:** Members to take responsibility to declare their interests.
19. **Member-Officer Protocol:** Consider member-officer protocol.

DOCKING PARISH COUNCIL PARISH COUNCIL RISK ASSESSMENT

"The greatest risk facing a local authority is not being able to deliver the activity or services expected of the Council."

Risk assessment is a systematic general examination of working conditions, workplace activities and environmental factors that will enable the employer to identify any and all potential risks inherent in the place or practices. Based on a recorded assessment the employer should then take all practical and necessary steps to reduce or eliminate the risks, insofar as is practically possible. Making sure that all employees are made aware of the results of the risk assessment.

This document has been produced to enable the Parish Council to assess the risks that it faces and satisfy itself that it has taken adequate steps to minimise them. In conducting this exercise, the following steps were taken:

- + Identify the areas to be reviewed
- + Identify what the risk may be
- + Evaluate the management and control of the risk and record all findings
- + Review, assess and revise if required

The Risk assessment will be updated as a living document by the clerk as required and reviewed annually in May at the Annual General Meeting.

Subject	Risks Identified		Level	Likelihood	Total Management / Control of Risk	Actions Needed	Last Reviewed
MANAGEMENT							
Business Continuity	Risk of Council not being able to continue its business due to an unexpected or tragic loss of staff	H	L	M	Membership of external training organisations to provide locum cover/advice. <u>Clerk has passwords available and Chair and Vice aware of how to access. Clerk handbook to be maintained for institutional memory & administrative continuity</u>	Share password locations with Chair and Vice Chair Create Update Clerk's Handbook (rolling project)	
Business Continuity	Risk of Council not being able to continue its business due to the breakdown of facilities	H	L	M	Computer Maintenance and IT support in place (including file back up)	Review IT support	
Meeting Location	Adequacy Health & Safety SO compliance	L	L	L	Meetings are held in Ripper Hall. The premises and facilities are considered to be adequate for the Clerk, Councillors and any Public who attend from a health, safety and comfort aspect. <u>Alternative meeting venues available: the Church and the Pavillion – the Pavillion being most suitable from a comfort point of view. The church from a cost perspective. Following government consultation, it may be possible to have remote meetings also</u>	No further actions	
Council Records/Documents (paper_	Loss through theft, fire, damage	L	L	L	Current papers will be stored securely at Clerk's home. <u>Archived papers will be stored securely NCC / NALC recommended archive solution (TBC at the point of needing to be stored)</u> <u>Council will take every opportunity to move paperless/ digital to reduce risk and financial burden</u>	Action: Collect papers from Pound, digitalise and archive as appropriate. Periodically, Clerk will archive paper records at NCC / NALC recommended archive solution	

<u>FOI / Data Protection</u>	<u>FOI policy available</u> <u>Civil action against Council</u>	<u>H</u>	<u>L</u>	<u>L</u>	Council is registered with ICO. Clerk has undergone training. Ongoing destruction of older items to ensure compliance. <u>FoI policy current and on website. Staff aware of relevant timescales</u>		
Computer Records/Documents	Loss through damage, fire corruption, <u>malice</u>	M	L	M/L	The Parish Council's electronic records are stored on the 'OneDrive' . <u>Password is available through Chair and Vice chair and IT support.</u> <u>The most recent and up-to date policies, finances and documents are on SharePoint (excepting sensitive info) and can be accessed by all councillors.</u> <u>Files are backed up by IT support</u> <u>Financial data is also stored on AdvantEdge</u>	Consider additional electronic back up	
Data security	Unauthorised access of council data via Tablets	H	L	L	ICO and Coalition approved Data and IT security and Usage policy in place. No Data sensitive information to be downloaded to tablets. Unnecessary and sensitive information mails to be deleted as soon as not needed. Emergency plan in place approved by ICO and Coalition Cyber Security.		
<u>Website / Social media</u>	<u>lack of legal compliance</u> <u>risk of misuse and abuse</u>	<u>M</u>	<u>L</u>	<u>L</u>	<u>Policy in place meeting requirements reviewed annually</u>		
<u>Policies and procedures</u>	<u>Lack or legal compliance</u> <u>Contradictory policies leading to inability to operate</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>Review all key policies annual and additional polices biannually or sooner if required.</u>		

Civil Emergency etc	Inability of council to function	H	M	M	Experience of Covid pandemic is the basis of <u>Emergency plans. Home working and virtual meetings where possible.</u>		
FINANCE							
Precept	Adequacy of precept. Requirements not submitted to Borough Council. Amount not received from Borough Council	H	L	M	Sound budgeting to underlie annual precept. <u>Financial accounts are presented to council quarterly to track spending against targets</u> <u>The budget is an agenda item at November meeting and approved at December</u> The precept an agenda item at the December meeting and is approved at the January meeting. The Clerk informs the Council when monies are received in April.	Existing procedure adequate	
Budget	Not set	L	L	L	Agenda item at December meeting, approved January by Docking Parish Council	Existing procedure adequate	
Insurance	Adequacy Cost Compliance	L	L	L	An annual review is undertaken of all insurance arrangements in place. <u>Employers Liability and Public Liability are a requisite as is Cyber Insurance.</u> Quotes are obtained to insure best value.	Existing procedure adequate	
Banking	Inadequate checks Bank mistakes Loss/Charges	H	L	M	Monthly bank reconciliations are completed by RFO, checking bank statements with cheques and BACS payments and income banked. <u>Banking process requires RFO to set up and 2 signatories.</u>	Ensure signatories understand responsibility – Payments must be hacked against payments list authorised at meeting for errors.	

Cash	Loss through theft or dishonesty	L	L	L	The Council has no petty cash or float. Any cash transactions are made by the Clerk, and fully receipted and then reimbursed monthly. <u>Unless otherwise resolved / delegated.</u> Any financial obligation must be approved and clearly minuted before any commitment.	Existing procedure adequate	
Financial Controls and records	Inadequate checks, Corruption, Misuse of public funds Financial irregularities.	H	L	M	<u>The Council has Financial Regulations, which set out requirements for banking, cheques and reconciliation of accounts. I</u> internet banking permitted with notification to all signatories. Two signatories on cheques and payments <u>Internal and External Audits annually</u> Any financial obligation must be approved and clearly minuted before any commitment. All payments must be approved / noted and clearly minuted. Any s137 payments must be recorded at the time of approval. Quarterly financial report to track spending Financial regulations reviewed annually Code of Conduct and standing orders reviewed annually. <u>All councillors aware of Nolan principles as per CoC and principles of good financial conduct.</u>	Existing procedure adequate Suggest - resolution to defer application of GPC until 5 years clear audit check and no substantial change to membership	
Reporting and Auditing	Information Communication Compliance Information communicated	M	L	M/L	Bank reconciliations completed and breakdown of receipts and payments kept <u>Use of AdvantEdge (or other accounting system)</u> Internal and External Audits Annually <u>Budget and Income and Expenditure info given at every meeting. Meeting pack includes these at time of agenda.</u> <u>Information available publicly in meeting packs and minutes.</u>	Existing procedure adequate	

Grants - receivable	Receipts of grant / <u>anti corruption.</u>	L	L	L	The Parish Council does not regularly receive grants. One-off grants would come with terms and conditions to be satisfied. <u>All income received as grant / donation to e handled unfit der relevant legislation.</u>	Requirement to add 'receipt of donations to grants and donations policy	
Payments	<u>Service invoiced but not supplied</u> <u>Services supplied and invoiced but not paid</u>	H	L	L	<u>Council approves all invoices for payment and only approves when goods supplied or work completed; except that provision made in Financial Regs for occasional payment outside meeting, and these reported to Council. Payments made as above, with notice to all signatories.</u> <u>Clerk to investigate issues as required and report to council always and to auditor as needed.</u> <u>All work to be invoiced and placed on authorisation run.</u> <u>At least 2 signatories available to run banking processes. AdvantEdge able to give access to additional person if required. Contact details available online.</u>		
Charges - rentals receivable	Receipt of rent	L	L	L	Allotment Rent paid annually, new leases issued and returned Grazing agreements - <u>Ts and Cs assumed agreed on receipt of payment.</u>	<u>Review agreements and fees Tri annually (or as required)</u>	
<u>Contracts</u>	<u>Lack of clarity over who does what and how charged, leading to over charges, work missed and difficult business continuity</u>	<u>M</u>	<u>M</u>	<u>M</u>	<u>General Contract in place</u>	<u>Annual review of contracts</u> <u>Clerk to maintain living register of contract for clerk handbook.</u>	
Best Value Accountability	Work awarded incorrectly <u>Financial loss</u>	L	L	L	To seek quotes (number stated in SO) for any substantial work required to be undertaken. If a problem is encountered with a contract the Clerk would investigate and if necessary, report to Council.	Existing procedure adequate	

Salaries and associated costs	Salary paid incorrectly Wrong hours/rate paid Wrong deductions of tax Unpaid tax contributions to HMRC	L	L	L	The Parish Council authorises the appointment of all employees. Payslips are produced monthly by the Clerk together with HMRC payments, and in monthly payments for approval. All tax payments are submitted to HMRC in the annual return. <u>NALC payroll services engaged.</u>	Existing appointment and payment system adequate	
Clerk and other employees	Loss of clerk / RFO Fraud	H	L	M	A contingency fund should be established to enable training for the CiLCA qualification in the event of the Clerk resigning. Clerk should be provided with relevant training, reference books, access to assistance and legal advice <u>Clerk should be paid in accordance with LGA / SLC / NALC pay point and standard conditions</u> <u>Ensure Good Employer Recommendations are followed</u> <u>Ensure a clear line manager for employment matters.</u> <u>Ensure clear understanding of role of clerk to support council (as opposed to individual councillors / public demands)</u> <u>Provide SLCC recommended training for clerks / RFO.</u>	Include in financial statement when setting precept <u>Review Clerks / RFO role and description against SLCC advice at annual appraisal</u> Membership of SLCC Monitor working conditions Consider necessity of a member - officer protocol	
Election costs	Risk of election cost	L	M	M/L	A contingency fund should be established to meet financial obligations in case of an election. <u>Ensure good open transparent council behaviour and councillor conduct.</u>	<u>Include in financial statement when setting precept</u> <u>Councillors to read guides on councillor behaviour, to undertake training and to follow Code of conduct</u>	
VAT	Reclaiming/Charging	L	L	L	VAT claim a minimum of once an annum, VAT shown in the cashbook	Existing procedure adequate	

Annual Return (AGAR)	Not submitted within time limits	L	L	L	Annual return is completed and signed by the Council, submitted to the Internal Auditor for completion and signing. Finally sent on to the External Auditor within the time limit	Existing procedure adequate	
ASSETS							
Infrastructure Assets	Protection of physical assets	M	L	L	All assets insured and reviewed periodically. Maintained on an ad hoc basis. Asset list maintained on AdvantEdge and published annually on the website.	Valuation of land and buildings required.	
Street Furniture	Theft/Loss, damage etc	L	L	L	Street furniture inspected periodically. An asset register is kept up to date and insurance is held at an appropriate level.	Organise inspections of assets	
Office equipment	Loss	L	L	L	Laptop and Printer (or alternative printing method) provided to Clerk by Council to perform other Clerk/RFO role. A contingency fund should be established for replacing items	Existing procedure adequate Include in financial statement when setting precept	
Trees	<u>Trees or branches posing a safety problem to public where unrestricted right of way is available</u>	H	L	L	<u>List all trees for which DPC is responsible. Check and maintain. Any TPOs listed</u>	<u>Tree Audit required</u>	
Open Areas	<u>Risk of damage or injury to third parties</u>	H	M	M	<u>Ensure asset list shows all land accurately and is on insurance</u>	<u>Undertake risk assessment for each area of PC land</u>	
LIABILITY							
Legal powers	Illegal activity or payments	H	L	L	All activity and payments made with the powers of the Parish Council to be resolved and clearly minuted.	Existing procedure adequate	
Minutes/Agendas/Statutory documents	Accuracy and Legality Non-compliance with statutory requirements	L	L	L	Minutes and agendas are produced in the prescribed method (as per SO) and adhere to legal requirements. Minutes are approved and signed at the next meeting Minutes and agendas are displayed according to legal requirements Business conducted at Council meetings should be managed in accordance with SOs	Existing procedure adequate Undertake adequate training	

Employer Liability	Comply with employment Law Comply with HMCR requirements	H	L	L	Membership on NALC, regular updates from HMRC. PAYE completed monthly and at year end. Internal and External auditor carries out annual checks	Existing procedure adequate	
Parish Ponds	Risk to individuals	H	L	M	Fences along footpaths and highways, insurance in place	Existing procedure adequate - however will look into signage	
Public Liability	Risk to third party, property or individuals	H	L	M	Insurance is in place	Existing procedure adequate	
COUNCILLORS PROPRIETY							
Members Interests	Conflict of Interest / Register of Members Interests	M	L	M	Councillors have the duty to declare any pecuniary interest at the start of the meeting if it is on the agenda and to declare it at any point should a subject come up. <u>Register of Member's interests form to be reviewed on an annual basis (May meeting - after election)</u>	Members take responsibility to declare interests	

Policy Review summary Document

Nb. Biannual will be taken to mean once every two years.

Policy/Procedure	Changes/Updates
Anti-Bullying and Harassment Policy	- Change reporting line to include clerk, councillor, or line manager. - Correct typos. - Review altered to biannual (once every two years). - Update dates.
Complaints Procedure	- Retain content but simplify and shorten. - Update dates. - Add biannual review. - Include data management and GDPR reference.
Delegation Scheme	- Complete rewrite with standard formatting and subsections - Update delegated powers: - Planning decisions to be handled by the planning committee. - New power: Clerk can approve expenditures within 10% of council-approved costs. - Resolve existing powers inconsistencies.
Equality and Diversity Policy	- Remove separate Equal Opportunities Policy (covered under this policy). - No content changes; updated dates and reformatted headers.
Grievance Procedure (Internal)	- No changes to content (NALC policy). - Updated dates and reformatted headers.
Privacy Policy	- Combined multiple privacy policies into one document.
Homeworking Policy	- No changes suggested. - Note: Council has not provided chair or risk assessment. Printer solution to be discussed in meeting. - Updated dates.

Policy/Procedure	Changes/Updates
Communication Policy	- Combined Communication, Social Media, and Press & Media policies. - Removed contradictions and repetition. - Updated to standard practice. - Clarified council's stance on councillor communication and transparency (aligned with Code of Conduct).
Code of Conduct	- Updated to most recent LGA recommended version (endorsed by NALC and SLCC) - Emphasized Nolan Principles of councillor conduct.
IT Usage and Security Policy	- New policy created to address tablet security and good practices - Combines aspects of the old Internet Usage Policy - Covers actions for equipment loss/theft with focus on cyber security.
Pension Policy	- No content changes. - Updated dates.
Record Management Policy	- Consolidated three documents into the SLCC policy. - Edited SLCC's 16-hour data provision time to 4 hours (pro-rata note: 18 hrs). - Removed planning document references (not stored). - Note: NHP to be included later.
Sub-Committees/Working Groups/Membership Policy and Register	- New policy to revive and confirm group memberships - Clarify current group memberships. - Identify additional representation needs.
Risk Management Policy and Assessment	- Thorough review with updates, corrections, and additions. - Final column includes list of recommended actions/required updates.



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DOCKING PARISH COUNCIL ANTI-HARASSMENT AND BULLYING POLICY

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Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

Policy

The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere; whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.

The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

The council will take appropriate action if any of our staff are bullied or harassed by staff, councillors, members of the public or suppliers.

What type of treatment amounts to bullying or harassment?

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Lewd or suggestive comments
- Deliberate exclusion from conversations or work activities

- Withholding information, a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power

It is important to recognise that conduct which one person may find ~~acceptable~~, acceptable; another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate constructive criticism of an employee's behaviour or proper performance management unless unreasonable, extreme or unjustified.

Reporting concerns

What you should do if you witness an incident you believe to be harassment or bullying

If you witness such behaviour you should report the incident in confidence to the Clerk or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Clerk or a councillor, or your line manager in the first instance. They will then decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being Bullied or Harassed by a councillor

If you are being bullied or harassed by a councillor, please raise this with the Clerk, ~~or~~ the Chair of the Council or your line manager in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding ~~potential breaches~~ potential breaches of the Code of Conduct ~~breaches~~ will be investigated by the Monitoring Officer.

What you should do if you are being Bullied or Harassed by another member of staff

If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask the Clerk, a colleague or another councillor to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;
- That such behaviour is contrary to our policy;
- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Chair will discuss this with you if it is appropriate.

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

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the Clerk or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the Chair of the Council will appoint someone to investigate your complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred
- The names of any witnesses and

- Any action taken by you to resolve the matter informally

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

... against a member of the public or supplier

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

... against a councillor

Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

During the investigation

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.

The Council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

Hearing

After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the Grievance Procedure.

Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False allegations

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

Disclosure and confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

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

Adopted: 15th March 2021

Review: Biannually

— policy ends here —

Notes

1. Protected characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Harassment is unwanted conduct related to a 'protected characteristic'. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

2. Legal risks

An employee does not need to be employed to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed because of a health condition can make a discrimination claim at a tribunal.
- An employee in their probationary period may claim discrimination if their employment has been ended for no credible reason.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

3. Culture and behaviour

Modern day workforces are eclectic, and a positive culture throughout the council enables staff with different backgrounds and beliefs to share ideas and shape how the council achieves what councillors decide for the community.

Different people find different things acceptable. It may not be obvious that some behaviour would be unwelcome or could offend a person. Those in positions of 'power' over an employee may not always understand how words or actions are received. An employee may not always find it easy to communicate how they really feel. 'Banter' that on the face of it is reciprocated may nonetheless be unwelcomed and damaging. Others who overhear comments, or learn of them third hand, will form judgements about the culture.

Whilst both staff and councillors jointly determine what the working culture is like, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies. Examples of unacceptable behaviour at work include (but are not limited to):

- physical conduct ranging from touching to sexual advances and serious assault;
 - the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
 - suggestions that refusing sexual advances will adversely affect aspects relating to employment (such as pay, promotion, training, work opportunities, or any other condition of employment or development;
 - comments about a person's appearance;
 - jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
 - questions about a person's sex life;
 - unwanted nicknames, especially related to a person's age, race or disability;
 - the use of obscene gestures;
 - excluding an individual for a non-work reason
 - treating an employee differently because they have, or are perceived to have, a 'protected characteristic' or are associated with someone who does;
 - the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
 - spreading malicious rumours or insulting someone;
 - picking on someone or setting them up to fail;
 - making threats or comments about someone's job security without good reason;
 - ridiculing someone;
 - isolation or non-cooperation at work; and
 - excluding someone from social activities.
4. During the investigation

Employers have duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the

outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it's important to consider their wellbeing and mental health.

Ensure that you regularly communicate with both parties.

5. Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelled a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

6. False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially Gross Misconduct.

7. Complaints against councillors

Following the Ledbury case, the law is clear that any formal complaint regarding a breach of the Code of Conduct must be referred to the Monitoring Officer for investigation. During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees with the employee reasonable measures to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person to whom the complaint has been made etc.

Code of Conduct

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Introduction & Definitions

This Policy is based on the Local Government Association Model Councillor Code of Conduct 2020 – see Appendix C. It was adopted in March 2023 on the assumption that the Borough Council would adopt the Code in due course.

For the purposes of this Code of Conduct, a “Councillor” means an elected or co-opted member, and the Code applies equally to a member of the public who is formally appointed to a Council working group – “MoP”. Both are covered when the general term Councillor is used unless stated.

General principles of Councillor conduct

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty;
- I act lawfully;
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor. In

undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community;
- I do not improperly seek to confer an advantage, or disadvantage, on any person;
- I avoid conflicts of interest;
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with Council’s requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor (or attend your first meeting as a MoP) and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor;
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings;
- at online or telephone meetings;
- in written communication;
- in verbal communication;
- in non-verbal communication;
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1 - Respect

- **I treat other Councillors and members of the public with respect.**
- **I treat Council employees, employees and representatives of partner organisations and those volunteering for Council with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to Council, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and Council employees, where concerns should be raised in line with the Council's relevant policies.

2 - Bullying, harassment and discrimination

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3 - Impartiality of officers of the council

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.**

Officers work for Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4 - Confidentiality and access to information

- **I do not disclose information:**
 - a) given to me in confidence by anyone;**
 - b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - **I have received the consent of a person authorised to give it;**
 - **I am required by law to do so;**
 - **The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - **the disclosure is:**
 - a. reasonable and in the public interest; and**
 - b. made in good faith and in compliance with the reasonable requirements of the Council;**
 - and**
 - c. I have consulted the Monitoring Officer prior to its release.**
 - **I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
 - **I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5 - Disrepute

- **I do not bring my role or Council into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or Council and may lower the public's confidence in your or Council's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring Council into disrepute.

You are able to hold Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by Council whilst continuing to adhere to other aspects of this Code of Conduct.

6 - Use of position

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7 - Use of Council resources and facilities

- **I do not misuse Council resources.**
- **I will, when using the resources of the local or authorising their use by others:**
 - a) act in accordance with Council's requirements; and
 - b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of Council or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by Council to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Council buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and Council's own policies regarding their use.

8 - Complying with the Code of Conduct

- **I undertake any Code of Conduct training provided by Council.**
- **I cooperate with any Code of Conduct investigation and/or determination.**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about Council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of Council

9 - Interests

- **I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of Council.

You need to register your interests so that the public, Council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10 - Gifts and hospitality

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with Council or from persons who may apply to Council for any permission, licence or other significant advantage.**
- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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8. Where a matter arises at a meeting which affects –
- your own financial interest or well-being;
 - a financial interest or well-being of a relative, close associate; or
 - a body included in those you need to disclose under Other Registrable Interests as set out in Table 2

You must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter affects your financial interest or well-being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of Council and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

- **This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.**
-

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]

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Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12- month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge) — the landlord is the council; and the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where — that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and either the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or, if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the management committee of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money

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deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of Council where it relates to or is likely to affect: • any body of which you are in general control or management and to which you are nominated or appointed by Council • any body ○ exercising functions of a public nature ○ any body directed to charitable purposes or ○ one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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Appendix C – Code Background

This Policy is based on the Local Government Association Model Councillor Code of Conduct 2020. This states:

“The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

Docking Parish Council

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments. All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.”

Appendix D – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies

- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

Docking Parish Council

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Docking Parish Council

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

This Code of Conduct adopted by Council on 6th December 2024

It is the same as the Model at that time, with formatting and ordering changes.

Parish Council Communications Policy

Introduction

This Communications Policy applies to all Members and Staff of the Parish Council. Its purpose is to provide clear guidance on managing communications internally, with the media, the public, and each other, ensuring accuracy and professionalism in all communications.

Council Commitment

The Parish Council is committed to providing accurate and timely information about its functions, decisions, and actions. Care must be taken to ensure communications are clear, lawful, and respectful.

Legal Context

This policy operates within the legal frameworks provided by:

- The Public Bodies (Admission to Meetings) Act 1960
- The Local Government Acts 1972 and 1986
- The Freedom of Information Act 2000
- The Data Protection Act 1998 (and subsequent GDPR updates)
- The Council's Standing Orders

General Communication Guidelines

- Where clarity is essential, Council decisions and communications should be documented in writing and formally approved.
- Anonymous correspondence will not be acknowledged or responded to.
- Miscommunication risks should be mitigated by seeking formal written approval for significant communications.
- Communications constituting debate, discussion, or decisions should be carried out at Council meetings in public view or, in the case of delegated sub-committees or working groups, reported to Council meetings, unless otherwise prohibited by GDPR.
- Any discussion carried out in a closed meeting due to GDPR will have the outcome minuted and reported publicly while keeping in accordance with GDPR and data privacy.

Official Communications

- Official statements must align with the Council's corporate position. Members and staff must avoid misrepresenting Council views or providing personal opinions in an official capacity.
- When authorised to communicate on behalf of the Council, individuals must explicitly state their role and authority, signing communications as "on behalf of [Council Name]."

Personal Communications

- Councillors and staff must not use their official titles in personal communications.
- Personal views on Council decisions or actions should not be expressed publicly in a way that misrepresents or conflicts with the Council's stance.
- To mitigate a risk of misunderstanding or misrepresentation, Councillors must make clear when they are communicating 'not as a councillor' or 'as a councillor'

Communicating Internally

- All internal communications are subject to FOI and must follow the Council Code of Conduct.
- Internal communications should be for logistical and information-sharing purposes and not constitute debate, discussion, or decisions
- No communications should constitute debate or discussion leading to a Council decision. All decisions must be made in public meetings unless explicitly delegated.
- Any working group, sub-committee, or meeting of Councillors outside of a Council meeting should be reported at the next Council meeting.

Communicating with the Public

- The Parish Council values open communication with members of the public and aims to respond courteously and promptly to inquiries.
- All official communications with the public should be clear, factual, and professional.
- **Councillors and staff should only convey the Council's agreed position, avoiding personal opinions or speculation.**
- For clarity, significant public communications should be provided in writing and formally approved by the Council.
- When engaging with the public informally (e.g., at events or casual meetings), Councillors must ensure they do not misrepresent the Council's views or commit the Council to any actions without proper authority. **Actions can only be agreed at Council meetings.**
- Anonymous inquiries or correspondence may not be acknowledged or responded to, except in exceptional circumstances approved by the Clerk.

Communication with the Media

- The Clerk is the primary contact for all media enquiries, including interviews, statements, or articles. If the Clerk is unavailable, the media should contact the Chair or Vice-Chair.
- Only the Clerk is authorised to communicate on behalf of the Council unless another individual has been expressly authorised by a Council resolution.
- All communications with the media must reflect the corporate views and positions of the Council.
- Councillors or staff speaking in a private capacity must not use Council titles (e.g., “Councillor” or “Clerk”) and must clarify they are not representing the Council.

Communication in Writing (Including Emails)

- Official Council email addresses should be used for all correspondence to ensure transparency and compliance with Freedom of Information laws. Personal email accounts should not be used for Council business and may be subject to legal scrutiny.
- Councillors must ensure respect and professionalism in their written communications, in line with the Code of Conduct.
- Council business discussions should occur in public meetings unless otherwise specified in the Standing Orders. Emails should not be used for debate unless permitted for specific matters, such as planning issues.
- Confidential information must remain protected, and GDPR requirements must be observed.

Other Forms of Communication (Phone, Text, Online Platforms)

- Councillors and staff may use other practical means of communication to carry out Council business (e.g., sharing logistical information) for the purposes of expediency but should be aware that all channels used will be subject to FOI.
- Any meeting of Councillors should be noted in the next Council meeting.

Social Media and Online Platforms

- The Clerk manages the Council’s official website and social media accounts, ensuring compliance with legal and professional standards.
- Social media posts by the Council are limited to factual, up-to-date information. Responses may be monitored and removed if deemed inappropriate.
- Councillors and staff may maintain personal online presences but must not imply Council representation or use official titles in personal posts.

Persistent Correspondence – Individuals and Groups

- The Council may limit responses to repeated or vexatious correspondence, particularly if it becomes abusive or places undue strain on resources.
- Decisions to limit correspondence must be formally resolved by the Council, with individuals informed of the decision and provided with a right to appeal.
- Correspondence from groups lacking clear official representation (e.g., without a signature from a secretary or chairman) may not be acknowledged.
- Groups will be informed if the Council decides not to respond further to their communications.

Adopted November 2021
Reviewed Biannually
Last reviewed: December 2024

Docking Parish Council Complaints Procedure

Scope and Purpose

This procedure applies to formal complaints against Docking Parish Council (the Council) regarding its actions, services, or lack thereof. Complaints are treated as concerns against the Council as a corporate body, not against individual employees or members.

Excluded matters include financial irregularity (handled by the internal auditor), criminal activity (police), individual Council members (Monitoring Officer). These complaints should be sent directly to the appropriate organization and not sent to council.

Staff conduct will be managed as internal disciplinary procedure, not through the complaints process. Please direct such complaints to the Chair of the Council.

Docking Parish Council will bear in mind the provisions of the Data Protection Act 1998/May 2018 as well as the Freedom of Information Act 2000 in dealing with complaints.

Submitting a Complaint

Complaints must be written and sent to the Clerk or Chair. Assistance can be provided. The complaint will be acknowledged within 7 working days, and the complainant must confirm their wish to proceed under this procedure.

Complaint Review Process

- Complaints are reviewed either by the full Council with two reserved for appeals, at the end of the next full meeting, or a panel of three councillors at an agreed date.
- Both parties will exchange relevant evidence/documentation at least 7 working days before the meeting.
- The Clerk represents the Council. Personal details are kept confidential unless necessary for the investigation.

Hearing the Complaint

1. The meeting chair explains the process.
2. The complainant (or representative) presents their case; councillors and the Clerk may ask questions. The complainant may be represented by an individual, but not paid legal advisor.
3. The Clerk explains the Council's position, followed by responding to any questions.
4. Both parties summarise their positions and leave while councillors deliberate.
5. A decision is either made during the meeting or a date set for resolution.

Adopted November 2021
Reviewed Biannually
Last reviewed: December 2024

Outcome and Appeal

- Decisions are confirmed in writing within 7 working days, including actions to be taken and the appeal process.
 - Appeals must be submitted within 14 days if the complainant believes the complaint was not handled fairly.
 - Two nominated councillors will review the handling of the complaint within 21 days.
- Outcomes include upholding the original decision or referring the matter back for reconsideration.

Habitual and Vexatious Complaints

Habitual or vexatious complaints include unreasonable or persistent grievances. Examples include refusing to cooperate, harassing staff, or repeatedly reopening closed cases.

- The Chair/Vice Chair verifies that in the first instance the complaints procedure has been followed correctly.
- Then attempts resolution by clarifying issues, suggesting alternatives, or appointing a representative (non-legal).
- If unresolved and repetitive, the Council may classify the complaint as vexatious and implement restrictions, such as limiting contact methods or ceasing responses.
- Actions will be proportionate and documented, with periodic reviews every 6–12 months.

Appendices

- ****Examples of Vexatious Complaints****: Unspecified grounds, harassment, excessive contacts, or refusal to accept outcomes.
- ****Possible Restrictions****: Limiting contact to specific channels, times, or individuals; requiring third-party mediation.

Appendix One

A persistent or vexatious complaint may be one in which the complainant:

- Has insufficient grounds for the complaint and may be making the complaint to annoy, embarrass or to waste time
- Refuses to specify the grounds for a complaint despite assistance
- Refuses to co-operate with the complaints process
- Refuses to accept the issues are not within the remit of the complaint's procedure or within the power of the Council to investigate
- Refuses to accept the outcome of the complaints process
- Insists on the procedure being dealt with in ways that are not in line with good practice
- Makes an unreasonable number of contacts in relation to a complaint
- Harasses, verbally abuses, or seeks to intimidate staff or Councillors
- Repeatedly introduces new information whilst the complaint is being investigated and expects this to be considered
- Denies statements made at an earlier stage

Adopted November 2021

Reviewed Biannually

Last reviewed: December 2024

- Makes the same complaint repeatedly, after the complaint's procedure has concluded
- Persists in seeking an outcome which is unrealistic for legal, policy or other

valid reasons

Appendix Two
Restrictions will be tailored to deal with individual circumstances and may include:

- Requiring the complainant to make telephone contact only through a third party
- Requiring the complainant to make contact only by letter or email
- Requiring the complainant to send e-mails only to a specific nominated individual
- Restricting telephone calls to specified times and/or of limited duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Advising the complainant that the Council will not respond to any further contact from them on the specified complaint

Docking Parish Council Delegation Policy

Introduction

Docking Parish Council (the Council) recognises that, as the corporate decision-making body, it holds the ultimate authority to make, approve, and implement decisions, transactions, and actions. To ensure smooth and efficient operations, certain powers may be delegated to sub-committees or the Clerk. However, authority is never delegated to individual councillors, including the Chair.

This policy outlines the framework for delegation, ensuring that all decisions are transparent, accountable, and made in accordance with the Council's governance responsibilities.

Policy Statement

1. Council responsibility:

The Council retains full authority and responsibility for all decisions unless explicitly delegated as outlined in this policy.

2. Delegation Framework:

- a) Delegated powers may only be granted to:
- b) Sub-committees established by the Council.
- c) The Clerk, acting as the Council's Proper Officer.
- d) Delegated powers shall never be granted to individual councillors or the Chair.

3. Voting and Record-Keeping:

- a) Delegated powers must be proposed, debated, and voted upon during a full Council meeting.
- b) All delegations shall be recorded in the minutes of the meeting and added to the Delegated Powers Register.
- c) The Delegated Powers Register is a living document that can be updated, amended, or added to at any time by resolution of the Council to reflect operational needs.

4. Oversight and Review:

- a) Any action taken under a delegated power must be reported and recorded at the next council meeting
- b) Any delegation can be reviewed, amended, or rescinded by the Council through a majority vote.
- c) This Delegation Policy will be formally reviewed by the Council every two years to ensure alignment with best practices and operational requirements.

Delegated Powers Register

The Delegated Powers Register outlines specific responsibilities, powers, and limits granted by the Council. It serves as the definitive record of delegations and is maintained by the Clerk.

Responsibilities Delegated to the Parish Clerk

1. Proper Officer

The Clerk is authorized to act as the Proper Officer under the Local Government Act 1972 and any other relevant laws.

2. General Matters

The Clerk is authorised to:

- a) Sign documents to implement Council decisions
- b) Take steps to recover debts or obligations due to the council
- c) Institute and appear in legal proceedings as authorized by the Council
- b) Represent the Council in legal proceedings or public inquiries.
- c) Manage open spaces and amenities.
- d) Act as the designated officer for Freedom of Information requests.

3. Financial Matters

The Clerk is authorised to:

- a) Approve spending up to £200 within the approved budget, following legal and policy guidelines.
- b) Accept the most economically advantageous quotes or tenders for work within the budget, at or under the approved estimate, and according to Council regulations.
- c) Maintain and update the list of approved contractors.
- d) Invest Council funds as per the Investment Policy.

4. Planning Applications

The Clerk is authorised to

- a) Submit a response on behalf of the planning committee (or full council if the planning committee is disbanded) where a response is required before the next Council meeting.

5. Urgency

- a) The Clerk is authorised to act on behalf of the council in cases of urgency or emergency.

Policy Review

This policy is effective from 6th December 2024 and will be reviewed every two years by the Council.

The Delegated Powers Register may be updated at any time by resolution of the Council.

Adopted by Docking Parish Council on: 6th December 2024

DOCKING PARISH COUNCIL EQUALITY AND DIVERSITY POLICY

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Our commitment

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

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

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

The law

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

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

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

Types of unlawful discrimination

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

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

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared

with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

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

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

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

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

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

Equal opportunities in employment

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

Recruitment

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

Working practices

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

Equal opportunities monitoring

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

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

Dignity at work

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

People not employed by the council

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

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

Training

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

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

Your responsibilities

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

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

Grievances

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

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

Monitoring and review

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

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

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

Adopted: 15th March 2021

Review biannually (every 2 years)