

**APPENDICES TO  
THREE RIVERS DISTRICT COUNCIL  
CONSTITUTION**

## **ELECTION OF CHAIRMAN OF THE COUNCIL – METHOD OF ELECTION**

### **(1) Current Points Totals**

Set out below for Members' information are the guidelines for the scheme for the election of Chairman of the Council.

The points for each group for the Local Government Year 2014/2015 are as follows:

Liberal Democrats	9
Labour	0
Conservative	34
Unallocated Points	5

### **(2) Scheme Approved by Council on 8th March 1988 (Minute No 229/88) and 19 April 1988 (Minute No 398/88)**

- (a) The points scheme to be applied to all party political groups and to any independent Members that may be elected to the Council from time to time.
- (b) The party political group with the most points at the time of the Annual Meeting to be entitled to take the Chair, in respect of which 39 points will be deducted from the accumulated points total of that group.
- (c) Each party political group represented on the Council be awarded one point for each seat held at the date of the Annual Council meeting.
- (d) For the purpose of the scheme, the results of any by-elections held during the year to be disregarded.
- (e) In the event of there being any vacancy on the Council at the date of the Annual Council meeting, the point(s) in respect of the vacant seat or seats be awarded to the party political group whose representative held the seat at the time the vacancy arose.
- (f) In the event of the party group entitled by the points scheme to hold the Chairmanship refusing to accept the office, 28 points to be deducted from the cumulative points total of that group.
- (g) 20 points to be deducted from the cumulative points total of the party group which accepted the Chairmanship in consequence of (f) above.
- (h) Subject to the agreement of all party group leaders if the party group entitled by the points scheme to hold the Chairmanship conceded the office (for whatever reason) no points be deducted from the cumulative points total of that group, provided that the party group which accepted the office willingly agreed to do so subject to the deduction of 39 points from the cumulative points total.

*Appendices to Part 2 – Articles of the Constitution*

- (i) The Chief Executive is authorised to operate and maintain the points system, and to report on the position of each party political group to the Annual meeting of the Council;
- (j) Any amendments or variations to the scheme to be subject to the formal approval of the Council.
- (k) The points accumulated by independent or temporary political groups which ceased to be represented on the Council to be distributed evenly between the remaining party political groups (or otherwise dealt with as may be agreed between Party Group Leaders).

**Joint Shared Services Agreement**

[Shared Services Agreement](#)

[Shared Services Agreement - Schedule 3](#)

[Shared Services Agreement - Schedule 4](#)

**WEST HERTS CREMATORIUM JOINT COMMITTEE  
STANDING ORDERS**

**1. MEETINGS**

The annual meeting of the Joint Committee shall be held on the third Tuesday in July. The Committee shall also meet on the third Tuesday in October, January, and April in each year and on such other days as the Chairman or the Joint Committee may consider necessary.

**2. PLACE OF MEETING**

The meetings of the Joint Committee shall be held at such other place in the area served by the Joint Committee as the Chairman or the Joint Committee may in the case of any particular meeting direct.

**3. CHAIRMAN AND VICE-CHAIRMAN**

The Joint Committee shall at every annual meeting elect a Chairman and a Vice-Chairman for the ensuing year.

**4. QUORUM**

No business shall be transacted at a meeting of the Joint Committee unless at least one third of the whole number of members of the Joint Committee are present thereat.

**5. PROCEDURE**

The business of the Joint Committee shall be transacted by way of motion and amendment duly moved and seconded. The mover of a motion (but not the mover of the amendment) shall have the right to reply to the debate immediately before the vote is taken.

**6. VOTING**

- (a) Every question shall be determined by a show of hands.
- (b) Where there are more than two persons nominated for any position to be filled by the Joint Committee, whether by election or appointment, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
- (c) Where immediately after a vote is taken at a meeting of the Joint Committee any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether s/he abstained from voting.

**7. SUB-COMMITTEE**

- (a) The Chairman of the Joint Committee shall be ex-officio a member of every Sub-Committee appointed by the Joint Committee.

- (b) These Standing Orders shall apply mutatis mutandis to the proceedings of Sub-Committees.

## **8. PAYMENT OF ACCOUNTS**

8.1 The Manager, The Deputy Manager, the Clerk, the Surveyor and the Treasurer shall be responsible for ensuring that all sums which they certify for payment are legally payable.

8.2 The certification shall mean that:-

- (a) there are sufficient funds in the relevant budget to finance the payment, (see also paragraph 8.6);
- (b) the goods supplied, work done or services rendered have been satisfactorily received/carried out, and the detail of the official order has been complied with;
- (c) the charges are correct and are in accordance with quotations or contracts;
- (d) all appropriate discounts have been claimed;
- (e) the account has not been certified for payment previously;
- (f) the proper entries have been made as necessary in the inventories or stores records.

Provided that:

- (g) The Treasurer may pay any sum due for or under:
  - any contract duly entered into by, for, or on behalf of the Joint Committee,
  - any salary, wage, employees' fee or allowance, superannuation, national insurance contributions or income tax,
  - any liability for VAT.

8.3 For any payment which has a VAT element, this amount shall be separately identified and be supported by a full VAT invoice.

8.4 All invoices shall be batched into a payments schedule and submitted to the Treasurer for payment at intervals as agreed by the Treasurer.

8.5 All amounts paid by the Treasurer (whether included in a payment schedule as aforesaid or not) shall be open to inspection by Members of the Joint Committee by prior arrangement with the Treasurer.

### Supplementary Estimates

8.6 Where expenditure is proposed on an item for which no budgetary provision (or insufficient budgetary provision) exists and that expenditure cannot be fully offset by a compensatory saving made elsewhere in the approved budget, then the appropriate officer in consultation with the Treasurer shall report the matter to the next available meeting of the Joint Committee for approval to a supplementary estimate before such expenditure is incurred.

In the event of such expenditure being (in the view of the Chief Officer concerned, after consultation with the Chairman and Vice Chairman and after consultation with and approval by the Treasurer) of extreme urgency or results in a financial saving, the expenditure may be immediately incurred, but a report on the action taken shall be presented to the first available meeting of the Joint Committee for information

## 9. SIGNATURE OF DOCUMENTS

All documents on behalf of the Joint Committee shall, unless any enactment otherwise requires or the Joint Committee shall have given the necessary authority to some other person in any case, be signed by the Clerk of the Joint Committee.

## 10. CONTRACTS

- (1) (a) Every contract for the supply of goods or materials or for the execution of works made by the Joint Committee or a Sub-Committee or any officer on its behalf to which the power of making contracts shall have been delegated, subject as hereinafter in this Standing Order provided, shall be in writing: Provided that a written contract shall not be required where the total expenditure involved does not exceed **£10,000** in the case of a contract for a single transaction, or **£1,000** per month in the case of a contract involving periodical orders for the supply of goods or materials or for periodical execution of works, but in this latter case such contracts or orders shall be given on an official order form and competitive prices shall be obtained in addition to any requirement proposed by these Standing Orders except in circumstances where it is not practicable to do so and that the decision as to whether it shall be practicable shall be made by the officer placing the contract after consultation with the Clerk and Treasurer to the Committee.
  - (b) In the case of all contracts for the execution of works exceeding **£25,000** in value and in such other cases as the Joint Committee may consider appropriate, the Joint Committee shall require the contractor to arrange for a bond to secure the due performance of the contract either with an insurance company or with a bank or other similar institution for an amount equal to 10% of the contract sum. The contractor shall have the option of depositing cash of a like amount in the joint names of the Committee and the contractor, in lieu of arranging a bond.
- (2) Subject to any relevant directives of the European Community and as hereinafter provided, no contract required to be in writing in pursuance of rule (1) of this Order shall be made unless at least 7 days' public notice expressing the nature and purpose thereof, inviting tenders, and stating the latest date that such tenders will be received, shall have been published in one or more of the following ways:-
    - (a) by advertisement in one or more of the local newspapers circulating in the area served by the Joint Committee;
    - (b) by advertisement in one or more newspapers or journals circulating among persons who undertake such contracts;

Provided

### *Appendices to Part 3 – Responsibility for Functions*

- (a) that in the case of a contract for the supply of goods or materials of a specialised kind or the execution of works of a specialised nature, or in any other case in which the Joint Committee or a Sub-Committee to which the power of making contracts shall have been delegated as aforesaid may deem it expedient or desirable, the Joint Committee or such Sub-Committee may order that in lieu of the foregoing provisions tenders may be invited from one or more reliable firms or persons usually engaged in carrying out contracts of similar nature to that proposed;
  - (b) that in the case of works which have been approved by the Joint Committee the execution of which could be undertaken by a contractor or contractors who or which are on a select list of contractors of one or more of the constituent authorities and approved by such authority(ies), the Joint Committee or such Sub-Committee may order that in lieu of the foregoing provisions tenders may be invited from one or more reliable firms or persons on such list or lists.
- (3) The Joint Committee or Sub-Committee as aforesaid shall determine which tender or tenders shall be accepted (if any) and in so determining shall not be bound to accept the lowest tender if payment is to be made by the Joint Committee or the highest tender if payment is to be received by the Joint Committee.
- (4) In every case where invitation to tender is required, every notice of such invitation shall state the manner in which envelopes containing tenders shall be indicated; and envelopes containing such tenders shall remain in the custody of the Clerk of the Joint Committee or an officer of the Joint Committee or other person designated by him until the time appointed for their opening. Such tenders shall (except in cases where the Joint Committee or any Sub-Committee to which the power of making contracts has been delegated as aforesaid specially determine in the case of a particular contract to the contrary) be opened at one time and only in the presence of -
- (a) such member or members of the Joint Committee as may have been designated for the purpose by the Joint Committee or by the Sub-Committee to which the power of making the contract to which the tenders relate has been delegated; and
  - (b) the Clerk of the Joint Committee, or an officer of the Joint Committee or other person designated by him.
- (5) Particulars of all tenders received and of those accepted (if any) shall be recorded and be reported in such manner as shall from time to time be directed by the Joint Committee.

## **11. APPOINTMENTS**

- (1) Where the Joint Committee propose to appoint a Chief Officer (a Chief Officer being defined for the purpose of these Standing Orders only as an Officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to the Joint Committee), and it is not proposed that the appointment be made exclusively from among their existing Officers, they shall-
  - (a) draw up a statement specifying-



- (i) the duties of the Officer concerned, and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of the persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (2) Where the post has been advertised in accordance with standing order 11 (1) (b) , the Joint Committee shall-
    - (a) interview all qualified applicants for the post, or
    - (b) select a short list of such qualified applicants and interview those included on the shortlist.
  - (3) Where no qualified person has applied, the Joint Committee shall make further arrangements for advertisement in accordance with standing order 11 (1) (b).
  - (4) Every appointment of a Chief Officer to whom this standing order applies shall be made by the Joint Committee or by a sub-committee of the Joint Committee and the steps taken under standing order 11 (1) and (2), with the exception of the appointment of a Chief Officer before mentioned, may be taken by a sub-committee or a Chief Officer (as defined above) of the Joint Committee.

## **12. VARIATION OR REVOCATION OF STANDING ORDERS**

Any motion to vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Joint Committee.

## **13. SUSPENSION OF STANDING ORDERS**

Any of these Standing Orders may be suspended on the ground of urgency at any meeting of the Joint Committee as regards any business at that meeting provided that at least one-half of the whole number of the members of the Joint Committee are then present.

**STANDING ORDERS ADOPTED BY THE COMMITTEE ON 8 DECEMBER 1953,**  
**REVISED ON 17 JULY 1956, 17 JANUARY 1978,**  
**18 OCTOBER 1983, 19 JULY 1988 , 20 JULY 1993 and 15 APRIL 1997**  
**(titles in 8.1 subsequently amended in line with new staffing structure)**

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## **WEST HERTS CREMATORIUM JOINT COMMITTEE**

### **MEMORANDUM OF AGREEMENT**

This agreement is made between the Executive of Dacorum Borough Council (Dacorum), Hertsmere Borough Council (Hertsmere), St Albans City & District Council (St Albans), Three Rivers District Council (Three Rivers) and Watford Borough Council (Watford).

The former West Herts Crematorium Joint Committee (created by an agreement of 21 December 1973, amended on 29 March 1994) ceased to exist on 1 June 2001 in accordance with the Local Government Act 2001. The Executive of each Council has resolved to constitute a new West Herts Crematorium Joint Committee as they are empowered to do by the Local Government Act 2000. The parties are agreed as follows.

#### **1 Constitution of Joint Committee**

There shall be constituted from 1 November 2001 a joint Committee of Dacorum, Hertsmere, St Albans, Three Rivers and Watford (“the constituent Councils”) consisting of one member from each of the constituent Councils (“The Joint Committee”). It shall have the functions, powers and duties and be subject to the terms and conditions set out below.

#### **2 Name of Committee**

The name of the committee shall be the West Herts Crematorium Joint Committee.

#### **3 Membership of Committee**

- (1) The Joint Committee shall consist of members appointed by the Executives of each of the constituent Councils from among members of their Executive.
- (2) Each Executive shall be entitled to appoint one member to the Joint Committee and in the absence of the appointed member is entitled to nominate another member of the Council as a substitute. The usual term of office shall be three years from 1 June, but the first term of office shall cease on 31 May 2004.
- (3) Membership of the Joint committee shall end immediately if the appointed member ceases to be a member of his/her Council for any reason whatsoever.
- (4) The Bishop of St Albans shall be entitled to appoint a representative to be co-opted onto the Joint committee.

#### **4 Powers of Committee**

- (1) The Executives of the constituent Councils agree to delegate to the Joint Committee all their powers and duties under Section 214 of the Local Government Act 1972 and any other relevant legislation for the provision and maintenance of crematoria (including the existing crematorium at Garston).
- (2) The delegated powers shall not extend to the power to borrow money or to levy a precept or to hold land.

#### **5 Committee Meetings and Proceedings**

- (1) The Joint Committee shall hold two meetings at least every year and may hold other meetings at intervals if it finds it necessary or convenient.
- (2) The Joint Committee shall have power to appoint sub-committees from among its members for any purpose it decides could better be managed or considered by a sub-committee.
- (3) The Joint Committee shall make standing orders regulating the procedure at its meetings, making provision for the election of a chairman and specifying the place of meeting and quorum for meetings of the Joint Committee and any sub-committee.

**6 Staff**

- (1) The Joint Committee may appoint and pay advisory officers in the employment of a constituent Council. If the officers main employment ceases so must his/her employment with the Joint Committee.
- (2) The Joint Committee may appoint and pay such other staff as it deems necessary for the fulfilment of this agreement.

**7 Accounting Arrangements**

- (1) The Joint Committee, its officers and staff, shall keep proper accounts of all income and expenditure transactions as required by legislation and codes of practice.
- (2) As soon as possible at the end of every financial year (a period of 12 months ending on 31 March) the Joint Committee shall publish a report on the operations of the Joint Committee during the financial year and a set of the final accounts for the year and send copies to each Constituent Council.
- (3) As soon as available the Joint Committee shall publish the audited accounts for the financial year.

**8 Borrowing Arrangements**

If the Joint Committee requires to incur capital expenditure in connection with the provision of crematoria, which it cannot fund from revenue, it may request one or more of the constituent Councils to lend it the money or borrow the funds on its behalf for such periods, at such rates of interest and on such terms and conditions of repayment as the Joint Committee may reasonably prescribe or approve.

**9 Vesting of Land and Property**

All land and property acquired or constructed by whatever means for the purpose of cremation, shall belong to and be vested in the Council in whose area the greater part is situated but shall be managed and maintained by the Joint Committee.

**10 Apportionment of Deficits and Surpluses**

- (1) All expenses, net of income and reserves, incurred by the Joint Committee in any financial year shall be borne by the constituent Councils in proportion to the populations of the respective districts according to the Registrar-General's mid-summer estimate for that financial year.
- (2) The Joint Committee may require each of the constituent Councils to pay on 1 April, or another date that the Joint Committee determines, the sum which the Joint Committee estimates will be the proportion of any estimated deficit to be met by that Council. When the exact amount and proportion of the deficit are known, there shall be an appropriate adjustment between the Joint Committee and each of the constituent Councils.
- (3) The Joint Committee may use part or all of any surplus made in a financial year to finance capital expenditure and redeem debt and to carry it forward to meet contingencies and future expenditure requirements.
- (4) Any surplus remaining shall, as soon as practicable, be returned to the constituent Councils in the same proportions as applies to deficits in sub-clauses (1) and (2).

**11 Scrutiny of Decisions**

- (1) A Scrutiny Committee shall be appointed consisting of one non-Executive member of each of the constituent Councils who must not be the member or substitute on the Joint Committee.
- (2) In the absence of the appointed member another nominated non-Executive member of the same Council can substitute.

- (3) The usual term of office shall be three years from 1 June but the first term of office shall cease on 31 May 2004.
- (4) Membership of the Scrutiny Committee shall end immediately if the appointed member ceases to be a member of his/her Council for any reason whatsoever.
- (5) The Scrutiny Committee shall have the power to review the effectiveness of the Joint Committee and its staff in providing efficient and effective crematoria services.
- (6) The Scrutiny Committee shall have the power to call-in a decision taken by the Joint Committee but not yet implemented and to request that it be reconsidered. The following criteria must be met:
  - (i) the request is made to the Clerk to the Joint Committee within five working days of publication of the decision and by at least two members of the Scrutiny Committee, and
  - (ii) the decision proposes expenditure or savings in excess of £250,000 or such higher sum as the Committee shall agree.
- (7) The Scrutiny Committee has 15 working days from the date of publication of the decision to report its conclusions, failing which the original decision will take effect.
- (8) On receipt of a report from the Scrutiny Committee the Joint Committee may decide to proceed with the original decision or an amended decision and will publish that decision.

## **12 Review of the Agreement and Determination of Agreement**

- (1) Any constituent Council Executive may require a review of all or any of the terms of this agreement by giving all the other Council Executives written notice specifying the nature of the review required.
- (2) A review, once requested, must take place within six months of the written notice requesting the review.
- (3) Any change to this agreement must be agreed by all constituent Council Executives.
- (4) If as a consequence of a review all of the authorities agree to determine this agreement or the agreement is determined by statute, then the assets shall be realised and the constituent authorities share equally in the proceeds.
- (5) Any constituent Council wishing to withdraw from the agreement must give not less than one year's notice in writing to all the other Councils, such withdrawal only to take place at 31 March in any year.
- (6) If any constituent Council(s) withdraw from the agreement then they shall be entitled to their share of the value of fixed assets stated in the balance sheet at 31 March in the year of their withdrawal, and based on an updated depreciated replacement cost. Such share will be paid at a time or in instalments over a period of time to be agreed by the Councils.

## **13 Arbitration**

All disputes between the constituent Councils or between any of them and the Joint Committee on the interpretation of this agreement and all disputes or differences in any way or at any time shall be referred to an arbitrator to be agreed by the parties, failing which to be named by the Secretary of State, and the current arbitration legislation will apply.

This agreement is freely entered into by the following parties on 24 June 2002.

Dacorum Borough Council

Council Leader

Chief Executive

*Appendices to Part 3 – Responsibility for Functions*

Hertsmere Borough Council	Council Leader
	Chief of the Paid Service
St Albans City & District Council	Council Leader
	Chief of the Paid Service
Three Rivers District Council	Council Leader
	Chief Executive
Watford Borough Council	Elected Mayor
	Chief Executive

**AGREEMENT**

made between  
Dacorum Borough Council,  
Hertsmere Borough Council,  
St Albans City and District Council,  
Three Rivers District Council and  
Watford Borough Council

On November 2001  
relating to their Cremation  
powers and responsibilities  
and amended on 24 June 2002  
to comply with amended legislation

Clerk to the West Herts Crematorium Joint Committee,  
Three Rivers District Council  
Northway  
Rickmansworth  
Herts, WD3 1RL

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**Three Rivers Community Safety Partnership  
Community Safety Board  
Terms of Reference**

At a strategic level:

- (1) Lead the Partnership and its constituent groups (delegating areas of work and specific responsibilities as required) and make strategic decisions.
- (2) Hold the Partnership to account (for delivery of the Community Safety Strategy, local delivery of the National Crime Reduction Strategy, and agreed elements of the National Drugs Strategy, and the Alcohol Harm Reduction Strategy).
- (3) Take responsibility for delivering the Prolific Offender Strategy and reducing re-offending.
- (4) Keep the Partnership aligned with other partnerships, especially the Local Strategic Partnership and the Drug Action Team, and national developments and initiatives, integrating the work of the Partnership with other areas as appropriate.
- (5) Establish information sharing protocols between partners keeping these under review
- (6) Receive and interpret summary intelligence about the needs of the Community (fear of crime, hot spots, drugs prevalence etc.) and use this to:
  - a. set and adjust strategic direction
  - b. set priorities
  - c. allocate resources
  - d. develop an evidence-based approach to the work of the partnership.
- (7) Approve plans ensuring these align with other plans as necessary.
- (8) Identify and manage resources, including both mainstream budget allocations and pooled arrangements, and establish commissioning arrangements as required. Develop appropriate joint funding and resource sharing mechanisms for Partnership administration, strategy delivery and prevention initiatives.
- (9) Performance manage strategy delivery and take remedial action as required
- (10) Report on progress to the Community, to County, and to national levels.
- (11) Keep the Partnership's structures, processes and membership under continuous review to ensure the Partnership remains effective in meeting the needs of the Community.
- (12) Develop partnership capacity to deliver (recruit new members as required to meet specific requirements and develop existing members through appropriate training).
- (13) Build and enhance the Partnership through a continuous development programme in order to maximise the contribution of all partners.

*The Community Safety Board will meet at three-monthly intervals.*



**Three Rivers Community Safety Partnership  
Coordinating Group (Tasking)  
Terms of Reference**

**Using a co-ordinating and problem-solving approach, and reporting to the Community Safety Board:**

- (1) Carry out delegated functions (as delegated by the Community Safety Board), managing, coordinating and tasking the work of the Partnership concerned with delivery of the Community Safety Strategy.
- (2) Project manage operational delivery of Three Rivers' Community Safety Strategy, including specific outcome measures against all relevant areas under national and local aims.
- (3) Gather detailed intelligence through periodic formal audit, access to partner data collected as a result of routine operational activity, and through formal and informal feedback from the community and use this to:
  - a. establish baselines
  - b. develop plans
  - c. solve community safety problems
  - d. monitor progress and outcomes
  - e. gather evidence and evaluate what works
- (4) Establish delivery groups appropriate to the delivery of the Community Safety Strategy, and establish Service Level Agreements as required with delivery groups.
- (5) Ensure that a range of enforcement and prevention initiatives, as set out in the strategy, are implemented, and that targets are met.
- (6) Monitor and evaluate delivery of the local strategy by:
  - a. ensuring there are robust systems for monitoring and evaluation in place
  - b. monitoring the performance and quality of local services
  - c. feeding back into the partnership's practice any learning from monitoring and evaluation, using this to inform and shape future work.
- (7) Provide the Community Safety Board with performance information at regular intervals (three months minimum).
- (8) Submit national and other returns on behalf of the Community Safety Board.
- (9) Ensure good communication with all stakeholders and staff involved in delivering the Partnership's strategy.
- (10) Share best practice and learning, improve information and understanding of crime and drugs agenda.
- (11) Develop links and work with the voluntary sector and other agencies to develop their role and contribution to community safety.
- (12) Ensure that all individuals working on community safety projects and programmes of work are appropriately trained.

*The Coordinating Group meets at monthly intervals.*

**Three Rivers Community Safety Partnership  
Delivery Groups  
Generic Terms of Reference**

Reporting to the Coordinating Group for a specified area of work [locality, theme, or initiative) and which may be framed within a Service Level Agreement:

- (1) Lead work in allocated area, providing specialist skills and knowledge appropriate to need.
- (2) Develop local delivery sub-plans and submit these to the Coordinating Group for approval.
- (3) Organise and manage use of allocated resources.
- (4) Employ appropriate project management tools and keep records.
- (5) Monitor output (activity, resource consumption etc).
- (6) Monitor progress towards achieving targets and take remedial action as necessary.
- (7) Provide performance information at determined intervals to the Coordinating Group.
- (8) Commission additional work as required, with the approval of the Coordinating Group.
- (9) Gather intelligence about specific community needs or the impact of work being done and provide this information to the Coordinating Group.
- (10) Ensure quality of the work done with appropriate controls in place.
- (11) Ensure all individuals working on Community Safety projects have the necessary skills and knowledge and have received appropriate training (as determined by the Coordinating Group).
- (12) Record outcomes and share good practice with other groups.

*Delivery Groups are time-limited, project-based entities and meet at intervals determined by the nature of the work.*

**THREE RIVERS DISTRICT COUNCIL**

**JOINT STAFF EMPLOYER FORUM**

**TERMS OF REFERENCE**

**1. Title**

1.1 The Joint Body shall be called the 'Staff Employer Forum'.

**2. Scope**

2.1 The Forum shall consider matters between employees and elected Members of the Council.

2.2 Any recommendation of the Forum shall be subject to consideration by the Policy and Resources Committee, prior to ratification, if necessary, by Council.

**3. Membership**

3.1 The Forum shall comprise:

(a) on the Council side, six members of the Council to be appointed annually at Annual Council;

(b) on the employee side, eight employees appointed every alternate year as representatives on the Local Liaison Committee.

3.2 Members of the Staff Employer Forum are eligible for re-appointment after each term of office.

3.3 If a member of the Forum ceases to be an elected member or employee of Three Rivers District Council, membership of the Forum ceases immediately. Any vacancy may be filled in accordance with the above principles.

3.4 A Chief Officer or nominated deputy in his/her absence shall be entitled to be present at all meetings of the Forum, but without the power to vote.

**NB.** Members are reminded that the provisions of the Local Government and Housing Act 1989 exclude those members who are local authority employees (including teachers) and those members who are trade union officials, whose union has members in Local Government, from being involved in negotiations with staff. Such members should not be appointed to this Forum. As the Forum is advisory it is not subject to proportionality.

**4. Officers of the Forum**

4.1 The Forum shall appoint a Chair and Vice-Chair from among its members at the first meeting in each year. When the Chair is a member of one side of the Forum, the Vice-Chair shall be a member of the other side. The Chair will be selected from each side in alternate years.

4.2 The Employer's side shall appoint the Personnel and Training Manager as its Secretary, and the Employees' side shall appoint a Secretary, usually the Staffside Secretary, to whom all communications from the Council side to the Employee side shall be addressed.

## **5. Advisers**

5.1 Either side of the Forum shall have the right to co-opt, in a consultative capacity, representatives of particular departments or sections affected by a matter under discussion if they are not directly represented on the Forum. The attendance of an employee or Trade Union official shall be allowed where appropriate. Such representation shall be only for the period during which the matter is under consideration and shall be notified in advance to the Joint Secretaries.

## **6. Functions**

6.1 The functions of the Forum shall be:

- (1) to establish regular methods of negotiation between the Council and its employees in order to prevent differences and to resolve them should they arise;
- (2) to consider any relevant matter referred to it by a Committee of the Council, Local Liaison Committee or by any of the employee organisations;
- (3) to make recommendations to the Policy and Resources Committee relating to the application of the terms and conditions of service and the education, training and welfare of employees;
- (4) to carry out any other functions which may be assigned to the Forum.

## **7. Constraints**

7.1 No matter concerning a named individual shall be discussed although the general principles underlying such matters would constitute legitimate business.

## **8. Procedures**

8.1 Ordinary meetings of the Staff Employer Forum shall be held at reasonable intervals, not less than twice yearly, at the discretion of the Chair and Vice-Chair. The Chair or Vice-Chair may direct the Joint Secretaries to call a meeting at any time. An extraordinary meeting shall be held within 10 working days of the receipt by the Chair or Vice-Chair, of a request signed by not less than one third of the members on either side.

8.2 The quorum of the Forum shall be two on the Council side and three on the Employees' side.

8.3 The agenda for ordinary meetings shall be agreed by the Secretaries of the two sides at least 10 working days in advance of the meeting and should be submitted by the Employers' side to each member not later than five working days before a meeting. Matters other than those on the agenda may be introduced subject to the agreement of both sides.

8.4 Agreement on recommendations shall be reached by a majority decision taken from those present, with each of the two sides voting separately.

- 8.5 All minutes of the Forum shall be agreed by the two Secretaries before they are presented to the Policy and Resources Committee. The proceedings of any meeting of the Forum shall be reported to the Policy and Resources Committee, and the minutes circulated to all elected members and all members of the Forum. The minutes will not be available to members of the public.

**WATFORD BOROUGH COUNCIL AND THREE RIVERS DISTRICT COUNCIL**

**HR POLICY : RECRUITMENT AND SELECTION POLICY AND PROCEDURE**

**DATE FIRST ISSUED : APRIL 2012**

**DATE THIS ISSUE :**

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**1. INTRODUCTION**

1.1 The Recruitment and Selection Policy and Procedure ensures the councils can recruit the best people. Our process is fair, free from bias, discrimination and unnecessary bureaucracy, to ensure our workforce composition reflects the diversity of the communities we serve.

**1.2 Scope and purpose**

1.2.1 This policy and accompanying procedures apply to all employees from both Councils. There are separate arrangements for the appointment of Chief Officers, staff who are employed on JNC terms and conditions, and Heads of Service, see section 5.2 for further information.

1.2.2 The purpose of this procedure is to advise all employees of the Recruitment and Selection procedures and processes for both Councils so that all those who conduct the recruitment and selection process are aware of their responsibilities.

1.2.3 Assistance from HR may be requested at any stage of the recruitment and selection process. HR maintains the central library of all relevant policies and procedures, standard forms and documentation, job descriptions and person specifications. These are accessible to all employees.

**1.3 Policy Statements**

1.3.1 All recruitment is authorised using the Recruitment Authorisation procedure that is adopted by the employing Council.

1.3.2 All Council jobs have a current and relevant job description and person specification that has been job evaluated and graded.

1.3.3 All vacancies will as a minimum be advertised internally within the employing Council.

1.3.4 External advertisements will be placed in cost effective media to attract as broad a range of applicants as possible. Where possible on-line options should be selected.

1.3.5 Adverts must be formatted to meet corporately agreed standards (commitment to equal opportunities, two ticks symbols etc).

- 1.3.6 No job applicant will receive less favourable consideration or treatment during the process of recruitment and selection on the basis of their race, colour, religion or belief, nationality, ethnic origin, sexual orientation, gender or gender reassignment, age, disability, marital or civil partnership status, pregnancy or maternity. Neither will any conditions of employment exist that can not be objectively justified as necessary on operational grounds.
- 1.3.7 The selection panel comprises at least 2 officers from the employing Council, one of whom is trained in the recruitment and selection procedures.
- 1.3.8 All appointments to vacant posts will be made on merit.
- 1.3.9 All job offers are conditional and all applicants will undergo pre employment screening.
- 1.3.10 Existing employees who are “at-risk” of losing their current post for the reasons of redundancy/ incapacity etc will be encouraged to apply for any suitable vacancies as there may be potential for re-deployment. In this circumstance the external advertising of vacancies can be delayed if appropriate.
- 1.3.11 Legislation and relevant policies and procedures

There are areas of legislation, other policies, procedures and manager guidelines that impact on recruitment and selection; these are referred to at the relevant sections within this document.

## 2. **Recruitment and Selection Procedure**

- 2.1 Prior to advertising, the job description and person specification is either written (if the job is a new post), or is checked for relevance by the manager who is leading the recruitment. If any changes are required these must be notified to HR so that an up to date job description is always held centrally.
- 2.2 If it is a new post, or if there are significant changes then it will be necessary to job evaluate the job so that the grade can be established. Please refer to the Job Evaluation Policy for the employing Council.
- 2.3 For short-term/ temporary, or one-off more specialist vacancies it may be more appropriate to engage an agency worker/ contractor. For WBC - this will be via the Council’s vendor neutral partner, Comensura, or other specialist agency if Comensura are unable to meet the relevant requirements. For TRDC – this will be via the registered agencies (contact HR for details).

## 3. **Job Description and Person Specification**

- 3.1 The Job Description and Person Specification provide the two sets of criteria for the selection process.

**3.1.1 Essential criteria**

These are the qualities that are deemed as 'essential' to carry out the job. They should present the minimum standard required. If an applicant lacks an essential criterion they are unlikely to be short listed. Care should be taken to avoid over specifying essential criteria as this could exclude potentially good applicants.

**3.1.2 Desirable criteria**

These are the qualities which would enable the job holder to perform the job more effectively. For example if an essential requirement is 'previous experience in a particular field, say customer service', the accompanying desirable criteria may be that the experience is gained in a particular employment sector, say public services.

**3.1.3 Other criteria**

You may also set criteria covering other qualities and circumstances. These must be justifiable in terms of the requirements of the post and applied to all applicants, e.g. able to cover out of hours working.

**4. Advertising**

4.1 All recruitment advertising must be authorised in accordance with the employing Council's authorisation procedure. The relevant paperwork must be completed, signed and issued to HR before a vacancy can be advertised.

4.2 If there are employees at risk of redundancy, advertising may be delayed to allow those at risk the opportunity to apply for a vacant post that may be suitable.

4.3 All vacancies are logged and applications tracked by HR.

4.4 All job adverts must include the following

- job title
- location
- grade/ salary
- outline of what is required
- whether fixed term or temporary (if appropriate)
- the number of hours to be worked
- a closing date
- an officer/ manager contact name and telephone number from the recruiting service
- a statement on the Council's commitment to equality and diversity - the two ticks logo



- CRB screening (if required)
  - Political restriction (if relevant)
- 4.5 All posts should be regarded as suitable for job-share unless an exemption is agreed for operational/ service-related reasons.
- 4.6 Late applications can be considered at the recruiting manager's discretion although there is no obligation to do so. Advice should be taken from HR in this circumstance.
- 4.7 Adverts are placed in the media using the Councils' approved advertising provider, (currently Euro RSCG Riley). The recruiting manager must approve the advert content, the cost and provide a Purchase Order number before the advert can be placed.
- 4.8 Adverts may be placed in local and/or national publications, or other professional, specialist or technical media. Lead times will apply if placing adverts in printed media, (some quite lengthy), and advice should be taken from HR.
- 4.9 On line media options provide a cost effective alternative to printed media and these should be used instead of printed publications wherever possible.
- 4.10 HR will normally post all adverts on the Councils' Intranets, web sites, the Job Centre web site and LG-Jobs. On occasion, the Council may choose to advertise a vacancy on an internally only basis in the first instance.
- 4.11 For posts to which it is difficult to recruit; where a particular skill set is sought (often termed areas of skills shortages), it may be necessary to use alternative advertising methods. This could include using specialist recruitment agencies.
- 4.12 Posts are normally open to applicants for a minimum of 1 week from the date of advertisement.
- 5. Selection Panel**
- 5.1 The selection panel is decided by the recruiting service before recruitment begins. There must be a minimum of 2 Officers on the panel, one of whom must be trained in the Council's procedure. The same Officers will conduct the short listing, the interviews, the final selection and the appointment process.
- 5.2 Separate arrangements apply for the recruitment of Managing Directors/ Chief Executives / Corporate Directors / Chief Officers and Heads of Service where appointments are made in conjunction with a member panel.
- 6. Application Forms**
- 6.1 All applicants, (whether external or internal) are required to complete their application using the Council's application form. CVs may be included, but are not accepted without a completed application form. The application form

ensures each applicant is asked in a standard format for the same information, and so ensures that the short listing process is fair.

**7. Equality and Diversity Monitoring**

7.1 Job applicants are asked to complete the detached equal opportunities monitoring form that accompanies each application form. Completed forms are held by HR and are not issued to the selection panel.

7.2 Equal opportunities data is recorded and stored for the purpose of monitoring the composition of job applicants, and appointees. The Council is obliged to collect and report upon this information as part of its Public Sector Equality Duty.

**8. Canvassing/ liaison with applicants**

8.1 Any communication with job applicants must be restricted to providing general information about local government generally, about the Council, requirements for the job, the format of the selection process, or other domestic information, the format of the interview etc.

8.2 There must be no other interviews or meetings arranged and held between members of the selection panel and applicants before the selection interview takes place.

8.3 Applicants who attempt canvassing will have their application rejected from the selection process.

8.4 Applicants must declare any relationship they have with other employees or members of the Council. If an applicant declares a relationship that may compromise the integrity of the selection panel, the selection panel should seek advice from HR.

**9. Short-listing and Interviews**

9.1 Following the closing date, an officer from the recruiting service will collect the applications from HR. These contain sensitive data and must always be securely stored. HR will provide a template for the short listing process.

9.2 Normally, and where able to do so, the short listing process will be completed by the selection panel within two weeks of the closing date.

9.3 The officers in the selection panel state their selection criteria (based on the JD) in the short listing template. They check the content of each application form; award a score to reflect what is recorded against each of the selection criteria, and record these on the short listing form. Scores are totalled and will identify whether or not applicants are selected for interview.

9.4 Applicants who declare a disability and meet the essential criteria are always invited to attend for an interview.

- 9.5 An Officer from the selection panel contacts the short listed applicants to make arrangements for interviews. These should be confirmed in writing or by email using the template letter (available on intranet).
- 9.6 If any preparatory work is required from applicants (presentation, psychometric tests etc), they should be notified and given sufficient time for this. Any selection tests must be relevant to the role and based on the selection criteria.
- 9.7 Applicants must be asked if they have any special requirements or if they need any adjustments made for the interview.
- 9.8 It is not normal practice for the Council to contact applicants who are not short listed due to costs. However, a member of the selection panel would be expected to give feedback to unsuccessful applicants who request it.
10. **Selection Interviews**
- 10.1 Applicants will be expected to attend a panel interview where they will be presented with a series of questions to validate their suitability (or otherwise) to the post.
- 10.2 The selection panel will have compiled a standard list of questions to be used for the interviews. HR can provide advice and some model generic questions if needed.
- 10.3 Each applicant is asked the same questions, and panel members will record applicant responses. If any supplementary questions are necessary to explore answers given, these must also be recorded.
- 10.4 For some roles applicants will also be asked to present a pre-prepared presentation; or to undergo a work related assessment, such as a keyboarding test, to take part in an in-tray exercise, or to write a report.
- 10.5 Psychometric, occupational/ability or personality testing may also form part of the selection process. If this is required HR can arrange this with an external provider. The cost of testing will be met by the Service.
- 10.6 Applicants' responses at interview and the results of any tests or other assessments are scored by the selection panel and recorded. This provides the panel with an objective rationale for why one applicant has been selected in preference to another applicant. This information would be needed if an unsuccessful applicant were to challenge the decision made by the selection panel.
- 10.7 A member of the selection panel will contact the successful applicant to give a verbal offer of employment. This offer is always subject to satisfactory pre-employment checks. This must be clearly communicated to the applicant, as the conditional offer may be withdrawn if these checks are not satisfactory.
- 10.8 Once the successful applicant has confirmed that they are interested in accepting the conditional offer, a member of the selection panel will issue HR

with a completed Starter Checklist form. The Starter Checklist will contain all the relevant information about the job offer to allow a conditional offer of employment to be made.

10.9 A member of the selection panel will contact the unsuccessful applicants to advise that they have been unsuccessful, and offer feedback and provide their results/ scores if requested. Results or scores achieved by other applicants should never be disclosed. A template letter is available.

10.10 The application forms, completed short-listing template, selection and interview paperwork must be returned to HR for secure storage. Paperwork will be held for 12 months and then securely disposed of.

10.11 Application paperwork for internal employees who were not appointed to the role will be held on their personal file.

10.12 Application paperwork for the appointee (whether an external or an internal applicant) will be held on their personal file.

## 11. Making an offer of employment – pre employment screening

11.1 All appointments are subject to pre employment screening checks as detailed below, and an offer of employment at this stage is always conditional. HR will provide the applicant with a letter clarifying this.

If there are unsatisfactory delays with the pre-employment screening process this could result in the withdrawal of a conditional offer.

### 11.2 Eligibility to work in the UK

11.2.1 It is a criminal offence to employ someone who is not entitled to work in the United Kingdom and the Council can be heavily fined if this happens.

All job applicants must provide documentary proof of their entitlement to work in the UK. Whilst nationals from the European Economic Area (EEA) countries and Switzerland can enter the UK without restrictions, not all EEA nationals can work in the UK without restrictions and documentary proof of entitlement to work should always be provided. HR is available to advise Managers, and the **UK Borders Agency Web site** (<http://www.ukba.homeoffice.gov.uk/>) may be accessed if more information is required.

11.2.2 HR will be responsible for checking a potential employee's eligibility to work during the pre-employment screening stage, when a conditional offer of employment is made.

### 11.3 References

11.3.1 Two references are requested, one of which should be from the applicant's current or most recent employer. If the Council is an applicant's first employer, or if the applicant has not worked for a long time, then personal references will be taken, preferably from a teacher or other professional.

- 11.3.2 HR will send the Reference Request template to each referee with a covering letter/ email, and a copy of the job description and person specification. References will be requested to be returned with some form of proof of organisation identity.
- 11.3.3 HR will liaise with the recruiting manager regarding the content of references they receive before the employment offer is confirmed and a start date is agreed. If the recruitment is via a recruitment agency the agency should provide the Council with the relevant reference documents.
- 11.3.4 HR, in conjunction with the appointing manager, will check any areas of concern with the content of references with the provider. Should the decision to withdraw the job offer be made as a result of the content of a reference, the applicant will be notified.
- 11.3.5 All references received are kept on the applicant's personal file and the applicant will have a right of access to that file under the Data Protection Act 1988.
- 11.4 **Medical clearance**
- 11.4.1 All appointments are subject to medical screening with the Council's Occupational Health provider, and all applicants to whom a conditional offer is made will be required to complete an Occupational Health Questionnaire. The questionnaire is sent directly to the Occupational Health provider in a pre-paid envelope provided.
- 11.4.2 In safety critical employment areas, e.g. drivers and those operating machinery the pre-employment screening may include an Occupational Health Nurse assessment.
- 11.4.3 Where necessary a medical (GP) report (subject to the individual's consent in line with the Access to Medical Records Act 1998) may be sought by the Occupational Health provider at the expense of the Council.
- 11.4.4 Medical screening may also include drug and alcohol testing in accordance with Council policy.
- 11.5 **Validation of Qualifications**
- 11.5.1 All applicants will have to provide proof of original qualifications at interview. For posts requiring professional registration the applicant will be required to provide evidence of qualification and current registration status. (Note: for appointments requiring other key skills e.g. driving, relevant original documents must also be provided).
- 11.5.2 HR will ensure a copy of essential qualifications, current registration status and/or other relevant documents are obtained prior to the commencement of employment.

**11.6 Criminal Records Bureau (CRB) Disclosure**

11.6.1 Some appointments are exempt from the provisions of the Rehabilitation of Offenders Act 1974. These are usually posts where the job holder would have unsupervised access to children and/or vulnerable adults. HR retains a list of all posts within the Council identified as requiring CRB disclosure.

11.6.2 For posts requiring CRB disclosure, this will be requested from applicants once a conditional offer is made and the applicant will need to complete the CRB form and provide original identification. The CRB process will be managed by HR. Applicants should be advised that they can find the most up to date guidance on the Directgov web site at [www.directgov.uk/crb](http://www.directgov.uk/crb). Please refer to the CRB guidance for applicants and the ID checking process for more information, available on the intranet.

11.6.3 The recruiting manager will be advised of CRB disclosures received, and any actions taken in response to information obtained shall be recorded by HR.

11.6.4 CRB checks will be repeated every three years. HR will alert the relevant managers and employees when these repeat checks are required.

**12. Salary Placing**

12.1 Appointments are normally made to the first point/ lower end of the pay band/ scale advertised. On occasions, an applicant may start at a higher level if it can be clearly demonstrated that this reflects previous experience and salary levels.

12.2 All employees not appointed at the top increment of their pay band/scale will normally receive an incremental point increase within 12 months of local government service. However, employees who start in local government service between 1 October and 31 March (and not already at the top of their pay band/scale) will receive an incremental point increase following 6 months' service and then a further increment on the following 1 April – subject to successful completion of a probation period (see section 15).

**13. Statement of Terms and Conditions/ Contract of Employment**

13.1 Once pre-employment screening is satisfactorily completed, HR will consult with the appointing manager to agree a start date and arrangements. HR will then provide the new employee with written confirmation of the job offer, and two copies of their Statement of Terms and Conditions of employment, one of which they must sign and return to confirm their acceptance before commencing employment.

**14. Probationary Period**

14.1 A probationary period of 6 months will apply to all new employees. It is the responsibility of the supervising manager to ensure that probationary reviews are conducted and results recorded, see the probationary guidelines for managers for more information.

14.2 Once completed, the probationary review form is signed by the Head of Service and sent to HR who will confirm by letter to the employee that the probationary period is completed. The record will be kept on the employee's personal file.

14.3 If an employee's performance means that it is unlikely they will successfully complete their probationary period, advice must be taken from HR as soon as possible.

## 15. **Complaints**

15.1 An applicant may complain at any stage of the recruitment and selection process.

15.2 Three Rivers District Council and Watford Borough Council encourage customers to give feedback on services. Both Councils have a corporate complaints procedure that may be accessed on-line.

Visitors to Watford Borough Council web site recruitment page, telephone callers and visitors to the CSC are also encouraged to respond to Govmetric feedback.

15.3 External applicants may access the employing Council's customer complaints procedure if they are dissatisfied with any stage of the process.

15.4 Internal applicants may access the employing Council's grievance procedure if they are dissatisfied with any stage of the process.

15.5 If it is found that an employee has acted in breach of the Recruitment and Selection Procedure, or Equal Opportunities Policy this will result in an investigation that could invoke the Council's disciplinary procedure.

## 16. **Training**

16.1 Heads of Service are responsible for ensuring that members of their staff who conduct recruitment and selection are provided with Recruitment and Selection training. Training will be facilitated by HR and they should be notified of any specific training needs.

## 17. **Template letters and forms**

17.1 The following template letters and forms are available on the intranet (Forms, Policies and Procedures/Human Resources/Forms) or can be accessed via HR:

For manager use:

Request to Fill form

Invitation to interview letter

Not short-listed letter (optional)

Not successful at interview letter

CRB guidance for applicants and the ID checking process

Appointment Sheet

Local induction check list

Probationary period document

For HR use only:

Conditional offer letter

Medical clearance form

Reference request form

Confirmation of offer letter

Payroll/induction check list

18. **Review**

18.1.1 Recruitment processes will be reviewed by HR following feedback from managers and applicants, and as a result of changing legislation and recommended best practice. This policy will be formally reviewed at least annually.



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**WATFORD BOROUGH COUNCIL AND THREE RIVERS DISTRICT COUNCIL**

**HR POLICY: DISCIPLINARY POLICY AND PROCEDURE**

**DATE FIRST ISSUED: JULY 2012**

**DATES REVIEWED:**

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**1. INTRODUCTION**

1.1 The Disciplinary policy and procedure aims to help and encourage all employees to achieve and maintain required standards of conduct, job performance and good discipline.

1.2 The policy allows an employee whose conduct has not reached the required standards, the opportunity to make adjustments and necessary improvements to reach required standards through guided instruction. The policy ensures the Councils' interests are safe-guarded with employees treated fairly and equitably, and an emphasis on correction rather than punishment.

1.3 The procedure clarifies the rights and responsibilities of management and employees in respect of disciplinary proceedings. It ensures that rules and standards are observed, that work performance levels are met and appropriate conduct is maintained; providing the process for dealing with alleged breaches of organisational policies, rules and procedures; misconduct; or persistent poor performance. It ensures that disciplinary sanctions when applied are appropriate and proportionate to the circumstances.

**2. SCOPE**

2.1 This policy and procedure applies to all employees who are engaged on NJC terms and conditions, except for those who are currently in their probationary period. The policy does not apply to Chief Officers or to staff on JNC terms and conditions who have their own national agreement.

**3. RESPONSIBILITIES**

3.1 Managers are responsible for ensuring the employees they manage are aware of the general and specific rules, standards and procedures that are laid down for the regulation of work and conduct. This includes setting clear objectives and performance standards, providing or facilitating appropriate training/coaching or support and monitoring; providing feedback to staff on their progress and performance over a reasonable time period.

3.2 Employees are responsible for familiarising themselves with and ensuring that they understand the required performance standards and procedures and the Officers' Code of Conduct. They are expected to co-operate with their manager, to maintain professional working relationships with other staff, and to ensure that the standards and procedures expected and set are maintained and adhered to.

#### **4. INFORMAL PROCEDURE**

- 4.1 Less serious incidents of misconduct should be discussed between the employee and their manager outside of the formal disciplinary procedure as they arise. The manager will ensure the employee is reminded of the standards required, and is given the opportunity to improve within specified reasonable review dates. A record of all meetings will be made and agreed. If minor incidents, (for example, poor timekeeping) become a frequent occurrence despite informal discussions and providing the opportunity for improvement, or if matters escalate to become more serious, the formal disciplinary procedure will be invoked.

#### **5. SAFEGUARDING ISSUES**

- 5.1 If an allegation is made against an employee involving a child, young person or vulnerable adult, the manager must immediately refer to the Council's safeguarding policy and contact HR for further advice, as additional reporting mechanisms/procedures are required.

#### **6. PRINCIPLES**

- 6.1 No formal disciplinary action will be taken until a case has been thoroughly investigated. When commencing an investigation into an allegation of misconduct, there shall be no assumption that disciplinary action will automatically follow.
- 6.2 At every stage of the procedure, employees will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.
- 6.3 An HR officer will be in attendance at all meetings at every formal stage of the procedure to advise on process and make a record of discussions.
- 6.4 The manager investigating a case must, in conjunction with a HR officer, decide if further action should follow and assess the level at which the disciplinary hearing should be held. S/he, in conjunction with a HR officer, must ensure that it is conducted by a management representative (whether line manager, Head of Service or Executive Director) authorised to take appropriate disciplinary action if the allegation is substantiated.
- 6.5 Disciplinary action will only take place where it is decided, following a disciplinary hearing, that misconduct has occurred and disciplinary action is appropriate.
- 6.6 Employees have a right to be accompanied by a trade union representative, staff representative or a work colleague of their choice at all formal stages of this procedure, including the investigatory, disciplinary or appeal hearing. This companion can speak at the meeting on behalf of the employee, but they cannot answer questions on the employee's behalf.

- 6.7 Employees will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice and with or without payment in lieu of notice.
- 6.8 The procedure may be implemented at any stage if the alleged misconduct warrants such action.
- 6.9 Employees have the right of appeal against any disciplinary sanction that is applied to them (see section 16 below).
- 6.10 At all stages of the investigation and disciplinary procedure all parties involved must ensure the confidentiality of events and discussions. This will not preclude sharing such confidence when seeking advice. Any discussions with witnesses should be confined to the specific areas on which the witnesses may have information. Any unreasonable breach of confidence may itself be treated as misconduct.
- 6.11 All formal letters sent to an employee under the terms of this procedure shall either be handed to him/her personally or sent by Recorded Delivery. Copies of all correspondence shall be sent to his/her representative (where known) unless indicated otherwise by the employee.
- 6.12 Written warnings will cease to be “live” following the specified period of satisfactory conduct or performance and will be disregarded for future disciplinary purposes. However, there may be occasions where an employee’s conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and/or there is evidence of abuse, the employee’s disciplinary record should be borne in mind in deciding how long any warning should last.
- 7. FORMAL PROCEDURE**
- 7.1 Where discussion, coaching, training or other informal action fails to achieve the required improvement in performance or behaviour, or where the matter is more serious, the following procedure shall be undertaken:
- 7.2 Investigation**
- 7.2.1 The manager will identify and clarify the issue by establishing the essence of the problem. The matter must be investigated in a systematic and thorough manner by gathering information promptly, establishing relevant facts and taking into account statements of witnesses if appropriate.
- 7.2.2 The manager may plan and carry out the investigation themselves, or in some circumstances, an alternative Investigating Officer may be appointed.
- 7.2.3 In serious cases where the investigation may be compromised if the individual remains in the work place, the manager will suspend the employee, with full pay, while the investigation is completed. Suspension does not constitute disciplinary action (see section 11 below).

- 7.2.4 The individual will be expected to attend any investigatory meeting scheduled. S/he will be given at least 5 working days written notice that an investigatory meeting is to be held under the disciplinary policy, provided with details of the allegation/s against them, and advised of their right to be accompanied by a trade union representative, staff representative or workplace colleague. A copy of the disciplinary policy and procedure will be issued at this time.
- 7.2.5 The investigation meeting will be noted and a statement may also be taken/requested. The individual will be provided with a copy and asked to sign and return these to the Investigating Officer/HR Officer without delay.
- 7.2.6 Staff who act as witnesses in disciplinary investigations will be expected to co-operate fully with the Investigating Officer. They will be required to attend meetings as requested and to provide a signed witness statement. They may also be required to attend any disciplinary hearing to answer questions, if necessary. There is no entitlement for witnesses to be accompanied at meetings.
- 7.2.7 Following the investigation, the Investigating Officer will compile the investigation report based on their findings. They will make a recommendation on whether or not the case should progress to a formal disciplinary hearing and submit this to the individual's next line manager.
- 7.2.8 If a formal disciplinary hearing is recommended, the individual will be advised of this in writing and invited to attend a formal disciplinary hearing. The letter will detail the Investigating Officer's assessment of the type of misconduct that the misdemeanour represents, the possible consequences, the date, time and location of the hearing, who will be attending and what their role will be. It will state the employee's rights under this procedure, including the right to be accompanied by a trade union representative, staff representative or workplace colleague. Copies of all documentation and supporting evidence to be presented at the hearing will be included, and if the Investigating Officer intends to call any witnesses, this will also be disclosed.
- 7.2.9 The employee will be given time to prepare his/her case and the disciplinary hearing will not normally be held earlier than 5 and not later than 10 working days following notification. They will be advised that they may submit additional documentation and/or call witnesses, and if they choose to do so the Hearing Officer must be notified with the relevant details at least 3 working days in advance of the hearing date.
- 7.3 The Disciplinary Hearing**
- 7.3.1 The Panel conducting the disciplinary hearing will consist of the Hearing Officer and a Human Resources officer.
- 7.3.2 The manager who has conducted the investigation will be the Presenting Officer responsible for presenting the case against the employee.
- 7.3.3 The employee has the right to be accompanied and assisted by a trade union representative, staff representative or work colleague.

- 7.3.4 The HR representative will take down a record of the proceedings.
- 7.3.5 Witnesses should not be present throughout the hearing. They should be called in, one by one, to give their evidence and asked to withdraw once they have done so.
- 7.3.6 The Hearing Officer will open the proceedings with an explanation of the purpose of the hearing and the procedure to be followed, introducing those present. S/he will read aloud the allegations and ask the employee if s/he wishes to take the opportunity to admit or deny them.
- 7.3.7 If the employee admits the allegations, s/he will be asked if they or their representative wish to offer any explanation for the misconduct or to have any mitigating circumstances taken into account. The hearing will then proceed to stage (xiii) below.
- 7.3.8 If the employee denies the allegations, the following steps will take place:
- (i) The Presenting Officer will state the case against the employee in the presence of the employee and his/her representative.
  - (ii) The employee or his/her representative shall be given an opportunity to reply to the allegations and ask questions of the Presenting Officer.
  - (iii) The Presenting Officer may call witnesses.
  - (iv) The employee or his/her representative shall have the opportunity to question any witnesses called by the Presenting Officer.
  - (v) The Panel may ask questions for clarification of the Presenting Officer and any witnesses.
  - (vi) The employee or his/her representative shall put the employee's case in the presence of the Presenting Officer.
  - (vii) The Presenting Officer shall have the opportunity to ask questions of the employee, his/her representative and of any witnesses called by the employee.
  - (viii) The Panel may ask questions for clarification of the employee, his/her representative and any witnesses called by the employee.
  - (ix) The Presenting Officer shall have the opportunity to sum up the case against the employee, but may not introduce any new material.
  - (x) The employee or his/her representative shall have the opportunity to sum up the employee's case, but may not introduce any new material.
  - (xi) The employee, his/her representative and the Presenting Officer, shall withdraw.

- (xii) If recall is necessary, both parties are to return regardless of the point giving rise to doubt.
- (xiii) The Disciplinary Panel shall consider the case in private:
- They must first decide whether on the balance of probabilities, taking due regard of all the facts, the case against the employee is proven.
- If the case against the employee is proven, and before imposing a disciplinary sanction they must consider:
- ❖ the level of disciplinary sanction indicated by the procedure;
  - ❖ any special, mitigating circumstances which might make it appropriate to lessen the sanction;
  - ❖ the employee's disciplinary record, general record, position and length of service;
  - ❖ whether there are any other 'live' warnings;
  - ❖ how the Council has dealt with similar cases in the past;
  - ❖ whether the proposed sanction is reasonable in view of all the circumstances.
- (xiv) The Hearing Officer shall inform the employee of the decision at the conclusion of the deliberations, if practicable. In any case, s/he shall provide the worker with written confirmation of the decision within five working days of the hearing. This will include notifying the employee of his/her right of appeal and the procedure to be followed.

7.3.9 If at any time during the proceedings it becomes apparent that there is no case for the employee to answer, an immediate adjournment may be called by the Hearing Officer.

7.3.10 An adjournment may be requested by either side or by the Hearing Officer, if it is considered necessary to gather further information or evidence or clarify any issue. The hearing will be reconvened as soon as possible.

7.3.11 If following the disciplinary hearing it is decided to institute disciplinary action, one of the sanctions below may be applied.

## **8. DISCIPLINARY SANCTIONS**

8.1 The Hearing Officer applying a sanction should also give the employee specific guidance to encourage improvement. Any recorded disciplinary sanction must contain: details of actions to be taken to enable the employee to achieve improvement; a set timescale within which improvement is expected to take place; and a plan for review to monitor and discuss progress with the employee. Actions may involve training, counselling or some other form of assistance that the manager/others will provide. Depending on the circumstances, the following range of disciplinary sanctions may be applied:

## 8.2 Stage 1 – Written Warning

8.2.1 If conduct does not meet acceptable standards the employee will normally be given a written warning by the Hearing Officer. S/he will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A copy of this written warning detailing the complaint, the change in behaviour required, and the dates for review will be kept on the employee's personal file but will be disregarded for disciplinary purposes after 6 months.

## 8.3 Stage 2 – Final Written Warning

8.3.1 If performance remains unsatisfactory or if a further act of misconduct occurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warnings), the employee will be given a final written warning.

8.3.2 This will give details of the complaint; the improvement required; the set timescale for improvement; and dates for review. It will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months (in exceptional cases duration may be longer) subject to achieving and sustaining satisfactory conduct or performance.

## 8.4 Stage 3 - Dismissal

8.4.1 If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal will normally result.

8.4.2 The employee will be provided as soon as reasonably practicable and normally within five working days with written reasons for dismissal, the date on which his/her employment will terminate and be advised of the right of appeal.

## 8.5 Stage 4 – Action Short of Dismissal

8.5.1 In cases of a serious nature where dismissal is considered but it is decided to impose disciplinary action other than dismissal – such as temporary or permanent disciplinary transfer to alternative job or location, temporary or permanent demotion – it may also be decided to retain a final written warning permanently on an employee's personal file and the employee will be advised that any recurrence will lead to dismissal.

8.5.2 Where temporary or permanent disciplinary transfer is imposed, the employee will not suffer any disadvantage which is in breach of his/her terms and conditions of employment as to make the Council liable to a constructive dismissal claim. Disciplinary demotion will only be implemented with the employee's **written agreement** obtained **prior** to such action taking place.

## 9. DISCIPLINARY OFFENCES GUIDELINE

9.1 Misconduct is defined as failure in personal conduct, persistent poor performance or deliberate infringement of policies, rules and procedures. In order that a consistent approach is made in treatment of disciplinary cases, a suggested list of possible disciplinary offences follows.

9.2 The list is provided as a guideline. The decision to take disciplinary action or the sanction imposed may vary according to the exact circumstances of the case. Reasons for disciplinary action may include but are not limited to:

- dishonesty;
- breach of confidentiality;
- negligent use, misuse or unauthorised use of the Councils' property, including equipment, materials and information;
- health and safety issues, for example:
  - threatening physical assault;
  - abusive behaviour, offensive or obscene language or gestures directed at employees, Council Members, or members of the public;
  - deliberate or reckless damage to Council property;
  - failure to observe established health, fire and safety rules and to report accidents or injuries whilst on duty;
  - smoking in any other than designated areas;
  - creating or contributing to unsanitary conditions;
  - entering or leaving Council property except by designated entrances and exits;
- performance related issues, for example:
  - serious neglect of duty which undermines the organisation;
  - failure over a period of time to perform work to satisfactory standards;
  - refusal to carry out a reasonable management instruction
  - (with reference to the Councils' Alcohol/Drug Abuse policy), failure to carry out duties effectively while under the influence of alcohol or drugs, other than medically prescribed;
  - (with reference to the Councils' Safeguarding policy), failure to carry out duties to safeguard vulnerable adults or children;
  - misuse of the employee's position towards a fellow employee or a member of the public, including oppressive or abusive conduct, bullying, harassment or victimisation;
- infringement of terms and conditions of service, for example:
  - persistent lateness;
  - absence from duty without manager's permission;



- abuse or non-compliance with the organisation's sickness absence management procedure;
- improper use of social networking or other media with the potential to have adverse impact on the reputation of the Council, fellow employees or elected members of the Council
- engaging in gossip, rumour spreading or other communications with potential to adversely impact the reputation of the Council, other employees or elected members.
- failure to comply with policies, procedures and regulations as laid down by the Council from time to time;
- engaging in or knowledge of activities on or off the premises which could be considered a discredit to the Council or its staff;
- undertaking additional employment which would counter the interests of the Council or would conflict with the employee's own position;
- making unauthorised statements to the press or news media relating to Council business;
- making a false statement of any kind within the realms of Council employment, knowing it to be false or having reckless regard as to either the validity or falseness of the statement.

## **10. GROSS MISCONDUCT**

10.1 Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the Council and the employee which makes further working relationship and trust impossible. Gross misconduct is normally restricted to serious offences. The principal reasons for summary dismissal could include but are not limited to:

- criminal offence which affects the individual's ability to carry out his/her job;
- physical assault by an employee on any other person;
- theft, misappropriation or unlawful destruction of property: the Councils', employees' or others';
- accepting bribes or attempting to bribe others;
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury;
- supplying security access codes to any unauthorised person;
- unauthorised disclosure of information or misuse of trust of a serious nature;
- making malicious or unfounded allegations of a serious nature;
- deliberate falsification of any documents or claims, including time sheets, overtime or expense forms;
- misconduct at work or away from work of such a serious nature as to bring into disrepute either the employee's position or the organisation;

- discrimination related to the characteristics protected under the Equality Act;
- harassment of a serious nature;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- alcohol or drug abuse;
- serious breach of the Councils' Safeguarding policy;
- engaging in unauthorised employment during hours when contracted to work for the Council or during periods of designated leave, for example annual or sick leave, time off for training, etc.;
- failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975;
- providing false information on a job application form.

## 11. **SUSPENSION**

- 11.1 Suspension is not a disciplinary action and shall be on full pay. It should only take place where the allegation being investigated would, if substantiated, constitute gross misconduct or where it was considered in the best interest of all parties if the employee was not to remain at work. Such suspension will only be imposed after careful consideration and authorisation by the Head of Service and will be regularly reviewed to ensure it is not unnecessarily protracted.
- 11.2 Normally the employee will be informed of his/her suspension at an interview with the manager and transport to the employee's home will be arranged, if necessary. S/he is entitled to have a union representative, staff representative or work colleague present at the meeting. In any case, the manager will inform the employee in writing that s/he is to be suspended immediately: stating the nature of the alleged offence, the purpose of suspension, and its anticipated duration. This will be provided as soon as reasonably practicable and normally within five working days. A copy of this letter will be provided to the employee's representative.
- 11.3 Suspension in these circumstances should normally be for a period of no more than fifteen working days. However, in exceptional circumstances, the period may be extended. The employee will be informed in writing specifying the duration of the extension and the reasons for it. In cases of alleged gross misconduct suspension may continue until the appeal process, if pursued, has been concluded.
- 11.4 If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

**12. CRIMINAL OFFENCE**

- 12.1 A worker will not be dismissed or otherwise disciplined simply because s/he has been charged with or convicted of a criminal offence. The consideration will be whether the conduct warrants action because of its employment implications. However, where the conduct requires prompt attention, there will be no need to await the outcome of the prosecution before taking reasonable action.
- 12.2 Where the police are called in, they will not be asked to conduct any investigation on the Councils' behalf; nor will they be present at any disciplinary hearing or interview.

**13. TRADE UNION REPRESENTATIVE**

- 13.1 No disciplinary action shall be taken against a trade union representative until a full-time official of the trade union concerned has been notified.

**14. PROBATIONARY STAFF**

- 14.1 This full procedure does not apply to probationary staff. However in cases of dismissal or gross misconduct, the minimum statutory requirements as outlined in the ACAS Code of Practice on Disciplinary and Grievance Procedures should be followed (see more below).
- 14.2 The supervisor/line-manager of a probationary employee will assess the employee's performance through the probationary assessment process. Lack of capability during the probationary period should not be viewed as a disciplinary offence, although due warnings must be given prior to any final action being taken. The disciplinary procedure can be used as guidance for dealing with such matters.
- 14.3 In cases of misconduct, which justify taking disciplinary action, a probationary employee shall not be dismissed, except in the case of gross misconduct, without having received on a previous occasion one recorded warning giving the consequences of further misconduct. The warning should be for a suitable duration, depending on the period of probation to be completed.
- 14.4 Where the probationary employee is to be dismissed due to unsatisfactory performance or conduct, or in cases of gross misconduct, the minimum statutory requirements will be followed: the employee will be notified in writing of the problem, the time and venue for the disciplinary meeting, their right to be accompanied and the potential dismissal outcome; a meeting will be held (along the lines of a disciplinary hearing described in this document) and the employee will be entitled to appeal.

**15. FAILURE TO ATTEND A DISCIPLINARY HEARING**

- 15.1 If an employee is unable to, or decides not to take part in any of the meetings under this procedure, s/he must notify the manager responsible for conducting the meeting in writing, specifying the reasons for non-attendance. This must be

done 48 hours in advance of the meeting. If sickness prevents an employee from attending, then normal procedures for informing sickness absence apply.

15.2 If an employee does not attend a disciplinary hearing and does not provide prior written explanation giving reasonable justification of non-attendance, the Hearing Officer will send the employee a recorded delivery letter. The letter will instruct him/her to attend a hearing at a new date which may include an additional charge of failure to attend and inform.

15.3 If the employee does not attend the disciplinary hearing at this new date and time and does not provide prior written explanation giving reasonable justification for non-attendance, the disciplinary Hearing Officer will proceed to hold the hearing at the set date inviting the employee's representative to be present. Such a hearing will normally include the additional charge of failure to attend and inform.

## **16. APPEAL**

16.1 An employee may appeal against any formal disciplinary action taken under this procedure to the Councils' Head of Human Resources. An appeal may be lodged against the decisions of the disciplinary hearing as regard to the finding and/or outcome. It may also be lodged against failure to follow this procedure adequately.

16.2 An employee wishing to appeal against a disciplinary decision, must do so in writing to the Head of Human Resources within ten working days of receiving written notification of the disciplinary action, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.

16.3 Arrangements for the appeal hearing will be made by the Human Resources department. The appeal shall be conducted in accordance with the procedure detailed below.

16.4 The Appeals Panel will consist of a senior manager and a Human Resources officer, excluding those who were members of the Disciplinary Panel who made the decision which is subject of the appeal, or those involved at an earlier stage of the disciplinary procedure.

16.5 The employee may be accompanied by a union representative, staff representative or a work colleague of his/her choice at any appeal hearing.

16.6 The management representative at the appeal hearing will be the Hearing Officer responsible for the decision which is subject of the appeal.

16.7 The appeal will be heard as soon as possible but not later than 20 working days from the date of receiving the employee's request for appeal, unless there are exceptional circumstances preventing this time-frame.

16.8 The appeals process provides the opportunity for the Appeals Panel to consider any new evidence not previously presented; whether the decision of the

disciplinary hearing was reasonable in the circumstances; or whether the disciplinary procedure was followed adequately.

16.9 The Chair of the Appeals Panel will conduct the hearing as follows:

- (i) The Chair of the Panel will open the proceedings with an explanation of the purpose of the hearing and the procedure to be followed, introducing those present. S/he will read aloud the employee's reason for lodging an appeal as submitted in writing to the Chair.
- (ii) The employee and/or his/her representative will put his/her case in the presence of the management representative outlining the grounds for the appeal and the reasons why they feel the original decision was incorrect. The employee or his/her representative shall call any witnesses or refer to any documents as necessary. Witnesses shall be called in turn and for each witness the procedure shall be:
  - a. the employee or representative question the witness
  - b. the management representative questions the witness
  - c. the Appeals Panel question the witness
- (iii) The management representative will ask questions of the employee and/or representative.
- (iv) The Appeal Panel will ask questions of the employee and/or representative.
- (v) The management representative will put the case for disciplinary action in the presence of the employee and his/her representative calling witnesses and referring to documents, as necessary. Witnesses shall be called in turn and for each witness the procedure shall be as in (ii) above.
- (vi) The employee and/or representative will ask questions of the management representative.
- (vii) The Appeal Panel will ask questions of the management representative.
- (viii) The management representative and the employee and/or his/her representative will sum up their respective cases and then withdraw.

The Appeals Panel will consider the case in private. The decision of the Panel shall be notified to the employee verbally at the end of the Hearing in the presence of the management representative and shall be confirmed in writing within five working days of the hearing.

The decision of the Appeals Panel shall be final.

## **17. EMPLOYMENT TRIBUNAL**

17.1 Nothing in this procedure shall affect an employee's right to make a complaint to an Employment Tribunal in accordance with relevant employment legislation. It

is recommended that before taking such action the employee seeks appropriate legal advice.

## 18. GRIEVANCES

18.1 Sometimes issues are complicated if during disciplinary proceedings against an employee, s/he invokes the grievance procedure.

18.2 The ACAS Code of Practice suggests that the disciplinary process could be temporarily suspended to deal with the grievance.

However, they also add:

“Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently”.

18.3 In such a situation, the Human Resources department will provide further advice.

## 19. RECORDS

19.1 Records will be kept by the Human Resources department detailing:

- the nature of any breach of disciplinary rules or unsatisfactory performance;
- the employee’s defence or mitigation;
- the action taken and the reasons for it;
- whether an appeal was lodged and its outcome;
- any grievances raised during the disciplinary procedure;
- any subsequent developments;
- copies of all correspondence relating to this procedure including recorded written warnings; and
- notes of any formal meetings.

19.2 These records will be kept confidential and retained in accordance with this disciplinary procedure and the Data Protection Act 1998. Staff will be entitled to have access to their own records in accordance with the Act. Copies of any hearing records will be given to the employee concerned. In certain circumstances (for example to protect a witness) the employer might withhold some information.

### **Three key points for a fair disciplinary procedure are:**

1. The employee should fully understand the case against him or her.
2. The employee should have an opportunity to state their case.
3. The employee should have an opportunity to appeal against the decision.

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**WATFORD BOROUGH COUNCIL AND THREE RIVERS DISTRICT COUNCIL**

**HR POLICY : GRIEVANCE POLICY AND PROCEDURE**

**DATE FIRST ISSUED : JUNE 2011**

**DATES REVIEWED : OCTOBER 2012**

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**1. INTRODUCTION**

1.1 Watford Borough Council and Three Rivers District Council believe in encouraging communication between employees and management to promote good employee relations and to ensure that a motivated workforce continues to provide an effective service for our customers. However, it is recognised that occasionally employees may have a concern, complaint or problem relating to their employment or to their relationships with managers or colleagues within the workplace. It is our aim to ensure that all employees who have a grievance have access to a procedure which can help them to resolve the issue as quickly and as fairly as possible.

**2. SCOPE OF THE POLICY**

2.1 This policy shall be applied fairly, consistently and equitably for all employees irrespective of race, gender, disability, age, offending past, caring or dependency status, religion or belief, sexual orientation, or gender identity and it is incumbent on those involved in managing grievance cases under this policy to ensure that this is the case.

2.2 This procedure applies to any grievance of an employee working within either Council and relating to their employment which must be lodged within three months of the date on which the alleged action occurred. Issues that may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relationships
- New working practices
- Working environment
- Discrimination

2.3 Where a grievance is shared by more than one employee, the grievance may be presented by one or more representatives of that group or by their trade union representative/s. However, all aggrieved employees must be named and clear written authority for the chosen representative/s to act on behalf of the named individuals must be provided.

2.4 This procedure does not cover:

- A complaint about the basis of pay or salary grading of that employment, those being matters covered by other procedures in the relevant conditions of service;

- A complaint about selection for redundancy, or disciplinary or capability issues, or other procedures which have their own appeal processes. The grievance procedure may not be used to delay or hinder the application of the Council's disciplinary or capability procedures or to dispute the outcome of such hearings;
- Policies of the Council, including establishment, staffing reviews and service reorganisations;
- Decisions under any procedure which states that the employees have no right of appeal (for example ex gratia claims)
- Collective disputes which are more properly dealt with between the Council and the Trade Unions/staff liaison structures;
- Matters outside the control of the Council, e.g. national conditions of service, pension regulations, income tax, statutory sick pay, etc.

### 3. ACCESSIBILITY

- 3.1 If any aspect of the Grievance Procedure causes difficulty on account of any disability, or if assistance is needed because English is not the first language, this issue should be raised with Human Resources, who will make any appropriate arrangements.

### 4. RIGHTS OF EMPLOYEES

- 4.1 Employees have the right to be represented or accompanied at each formal stage of the Procedure by a trade union representative, staff representative or by another employee of the organisation ("the representative"). Employees must be informed of this right by their Manager in advance of any grievance meeting.

- 4.2 The representative may address the hearing in order to:

- Put the case forward and sum up the case.
- Respond on the employee's behalf to any view expressed at the hearing and ask the witnesses any questions.
- However, the representative has no right to answer questions put to the employee directly.

- 4.3 It is the employee's responsibility to contact their chosen representative and to ensure that the representative is willing and available to represent them. The aggrieved employee may offer an alternative date for the hearing if it is reasonable and falls within 5 working days of the proposed date, if their colleague or trade union representative is unavailable on the original date.

### 5. Time Frames

Every effort should be made for all grievances to be progressed and dealt with as quickly as possible and that **each** stage in the procedure is dealt with within ten working days. The circumstances of individual cases may cause them to



over-run, (e.g. the need for an investigation during the formal stage hearing); meaning time limits may need to be modified in consultation with both parties. A reasonable delay may occur, if for example, one party to the grievance is on annual leave or away due to sickness absence.

## **6. PROCEDURE**

### **6.1 Informal Process**

Most grievances should be resolved through informal discussion and the normal management channels without the need to invoke the formal grievance procedure.

6.2 An employee should raise their grievance **orally** with their immediate line manager or supervisor (unless the supervisor/ line manager is the subject of the grievance in which case the employee should raise the grievance with the next layer of management above). The supervisor/ manager receiving the concerns should endeavour to resolve the issues promptly. This may include discussing concerns, in confidence, with those involved; making informal enquiries as appropriate and attempting to resolve the matter quickly and fairly. A suggested resolution should be discussed with the employee as soon as possible and it may be helpful to confirm the discussion in an e-mail. Where the matter cannot be resolved informally, either because it is too complicated or the result of the informal process is not satisfactory to the employee, it should be dealt with under the formal stage of this procedure.

6.3 Where applicable, options such as mediation should be considered, particularly where it is evident that there has been a deterioration in working relationships. Mediation is particularly encouraged during the informal process where it can be most effective. If mediation has not been considered, or if it has been offered and not taken up this will be taken into account at the formal stage. For managers wanting to use this service or to find out more about mediation, please contact HR.

6.4 We acknowledge that it can be difficult for all parties concerned when going through a Grievance process and therefore all employees can seek support through this process by:

- Using the Employee Assistance Programme (where appropriate) or
- Seeking advice from their Trade Union or Staff Representative.

## **7. FORMAL STAGE**

### **7.1 Step 1**

If it is not possible to resolve the Grievance informally, employees should raise the matter formally and within a maximum of three months from the alleged incident, with the next level of management within the service, who is not the subject of the Grievance or with Human Resources. This should be done in writing as a statement of the case, using the grievance form attached (Appendix A), and should set out:

- What the grievance is.
- What steps have been taken to resolve the grievance and the reasons they have not been satisfactory or met expectations?
- What steps would they like management to take to deal with their grievance i.e. how do they believe this matter should be resolved? (Please note that the outcome that they are seeking may not always be achievable.)

*Further details of what this should include can be found in Section 12.*

7.1.1 Where their grievance is against their line manager/supervisor then they should approach the next level of management (i.e. their manager's manager). However, if they have grounds to believe that this manager may not be impartial, they can take their grievance to HR, together with valid reasons why they believe that the manager is not impartial. Consideration may be given to the appointment of an alternative officer to deal with the grievance.

7.2 **Step 2:** On receiving a formal grievance, the Manager should consult with Human Resources in order to arrange an initial hearing. The employee who has lodged the grievance should be advised, in writing, by the Manager within ten working days of receipt of the grievance, how the matter is to be dealt with and who has been appointed as the Hearing Officer.

- The Hearing Officer will invite the aggrieved employee to a Hearing, giving at least five working days' notice, and inform them that they have the right to be accompanied, either by a work colleague, a trade union representative or Staff Representative. The Hearing Officer will be supported by a member of HR.
- The Hearing Officer will also notify the employee against whom the grievance is raised and provide them with full details of the nature of the grievance. That employee will also be invited to the Hearing and be informed that they have the right to be accompanied by either a work colleague, a trade union representative or staff representative.
- If applicable, the line manager who heard the informal grievance may also be invited as they will be required to explain to the Hearing officer what steps they took to resolve the grievance informally.
- ACAS Guidance reminds managers that a Grievance hearing is not the same as a disciplinary hearing, and "is an occasion when discussion and dialogue may lead to an amicable solution".
- Due to the complexity or sensitivity of the matter, the Hearing Officer may need to adjourn a hearing in order to instigate an investigation or obtain further information or evidence.
- If after the adjournment, the Hearing Officer is in a position to inform the aggrieved employee the basis on which the grievance is accepted or rejected, on the same day, they will do so verbally and confirm the decision in writing. Otherwise, they will inform the aggrieved employee, in writing, within ten working days of the Hearing. The letter should also include information on the Right to Appeal and could be copied to the line manager, if appropriate.

- The Hearing Officer will also inform the employee about whom the grievance is against the outcome of the grievance and any impact it may have on them.
- If the outcome of the grievance is unsatisfactory to the aggrieved employee, then they have the right to appeal and may take the matter to the next stage of the procedure.

## **8. Witnesses**

- 8.1 Witnesses for either party may be called to support the case. The responsibility for arranging the attendance of witnesses will fall upon the party concerned. If a member of staff is being called as a witness, management need to ensure that their staff member is available to attend.
- 8.2 A witness should only be present for the part of the proceedings in which she/he is giving evidence or being questioned. Only one witness should be present at a time.

## **9. APPEAL STAGE**

- 9.1 If the aggrieved employee feels that the grievance has not been satisfactorily resolved, they must inform the Head of Human Resources, in writing, within ten working days of receipt of the Hearing Officer's letter, that they wish to appeal against the decision. They must indicate their grounds of appeal, in a constructive manner and set out how they wish their grievance to be resolved.
- 9.2 An appeal hearing will be arranged, within ten working days of receipt of the appeal letter (or as soon as practicable). The employee will have the right to be accompanied by a trade union representative or work colleague. The manager who hears the appeal will normally be a more senior manager than the Manager who heard the grievance and will be accompanied by an HR representative. This should be the same format as the formal hearing; however, the Manager who heard the grievance should be in attendance to present the reasons why they came to their decision.
- 9.3 The Appeal Hearing Officer's decision is final and will be confirmed in writing within ten working days. The aggrieved employee will also be reminded that this is the final stage of the grievance procedure.

## **10. GRIEVANCE INVESTIGATIONS**

In exceptionally rare cases of a complex or sensitive nature, it may be considered necessary, for an investigation panel to be formed to conduct a detailed investigation of the grievance. For example, this will be in cases where there may be more than one employee with a grievance against a manager or if an employee has a grievance against more than one person or if the grievance crosses over to other policies or procedures, such as harassment or capability. This will involve fact-finding interviews and examination of relevant documentation. The panel will consist of an independent manager and an HR representative. The panel will interview the aggrieved employee as part of the

investigation and the employee will have the right to be accompanied at that interview by a colleague or local trade union representative.

The panel will also interview any parties or witnesses to the grievance, who will also have the right to be accompanied. A written record of all interviews will be made; however the detailed investigation notes will not be circulated to the complainant and the person being complained against unless and until the grievance proceedings lead on to a subsequent disciplinary action or some other circumstance which dictates that access should be given to the original material.

A report of the findings will be forwarded to the formal grievance panel, the aggrieved employee and the person, who the grievance is against, (if applicable). The investigating panel (or a representative of the panel) may be asked to attend the formal grievance meeting to present their findings/recommendations. All parties will then have the opportunity to ask questions of the investigation panel.

The employee will be informed of the progress of the investigation within five working days. Thereafter, notification should take place fortnightly. Any delay due to witnesses or other related parties being on annual leave or sick leave should be communicated to the aggrieved employee and representative and the HR Business Partner dealing with the Grievance case.

## 11. FAILURE TO ATTEND A GRIEVANCE MEETING

11.1 If an employee is off sick for more than a week prior to the arranged Hearing date, then advice from the employee's GP or Occupational Health should be sought to ascertain whether the employee is fit to attend the Hearing. If they are not fit then the hearing should be rearranged for a time when the employee returns to work. If the grievance issue is the reason for the employee being off, then further advice should be sought from Human Resources and Occupational Health.

11.2 Failure of any of the parties to attend a grievance meeting due to unforeseen circumstances (e.g. unforeseen transport problems or unexpected sickness) will result in the meeting being rearranged. If the any of the parties are not available for a second time, it may result in the meeting going ahead in their absence. They will have the opportunity of providing a written statement or being represented by a nominated representative.

## 12. Documentation

All documentation relating to the grievance including a statement of the case\* and any supporting statements will be submitted to the relevant parties five working days before the meeting or appeal hearing, including names of any witnesses either party wishes to call.

\*The supporting statement of the case from **either party** should cover:

- The background to the case (the issues and the people involved).

- The essential elements of the grievance (with supporting documents as appropriate).
- Steps taken to resolve the grievance to date.
- A statement of what is required to settle the grievance from the point of view of the complainant, or representative (as appropriate).

It is up to the complainant to produce the supporting documentation, with the support and guidance of their representative.

### **13. Records**

Records will be kept detailing the nature of the grievance raised, the Council's response to the grievance, any action taken and the reasons for this action. The records will be kept confidential and retained in accordance with the Data Protection Act 1998.

### **14. Confidentiality**

The grievance procedure will be carried out in confidence, unless otherwise agreed by the parties involved, e.g. where a manager may need to discuss issues resulting from the case with a third party. All parties will be expected to respect the confidentiality of the process.

If confidentiality is found to have been breached by any of the involved parties, this may lead to disciplinary proceedings being taken against them.

### **15. SPECIAL CIRCUMSTANCES**

#### **15.1 Grievances raised during Disciplinary or Performance Proceedings**

The Grievance Procedure cannot be used for appealing decisions made in Disciplinary, Performance or Pay and Grading processes, as these have separate appeals procedures. However, if staff have a complaint regarding the way these procedures were handled, they may raise their concerns as a grievance. If necessary, the Disciplinary or Performance procedure may be suspended for a short time whilst the grievance is considered or investigated.

#### **15.2 When the Grievance is against the Managing Director / Chief Executive:**

If a grievance is against the Managing Director of Watford Borough Council or Chief Executive of Three Rivers District Council, this should be put in writing and addressed to the Head of HR. All attempts will be made to resolve the issue informally. However, if informal attempts have been tried and failed or are considered inappropriate, then the grievance should be referred to the Council's Monitoring Officer or Section 151 Officer for investigation. This would then be covered by JNC guidelines.

If a grievance is against an Elected Member of either Watford Borough Council or Three Rivers District Council, this should be put in writing and addressed to

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Watford Borough Council

Three Rivers District Council

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Human Resources

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the Monitoring Officer of the Council concerned and this will be dealt with under the Member's Code of Conduct.

Other Policies to refer to:      Stress Management Policy and Guidelines  
Employee's Code of Conduct  
Disciplinary Policy and Procedure  
Harassment and Bullying Procedure

<b>SUMMARY OF THE FORMAL GRIEVANCE PROCEDURE</b>			
<b>Step</b>	<b>Action To Be Taken</b>	<b>Person Responsible</b>	<b>Time Limit</b>
<b>1: Statement of Grievance using the attached form</b>	The employee must set out the grievance in writing and submit it to management.	Employee	A grievance must be lodged within three months of its occurrence.
<b>2: Hearing</b>	<p>Management will invite the employee to a formal Grievance Hearing, giving at least <u>5 working days notice</u>, to discuss the issue (both parties should take all reasonable steps to attend). The employee has the right to be accompanied and will be able to present their case.</p> <p>The line manager that heard the informal grievance may be asked to present their case.</p> <p>The Hearing may need to be adjourned if further investigation is required.</p>	Hearing Officer and HRBP	ten working days from the receipt of the grievance in writing (unless an extension is agreed)
	<ul style="list-style-type: none"> <li>The Hearing will be adjourned while the Hearing panel will make a decision on the evidence they have received and heard. The Hearing Officer will then write to the employee, within <u>ten working days of the hearing</u>, informing them of the decision and offering them the right to appeal.</li> </ul>		
<b>3: Appeal</b>	<ul style="list-style-type: none"> <li>If the employee wishes to appeal <u>they</u> must notify the Head of Human Resources, in writing, within ten working days of receipt of the grievance outcome.</li> </ul>		
	<ul style="list-style-type: none"> <li>An appeal hearing will be arranged, <u>within ten working days from receipt</u></li> </ul>	Appeal Hearing Officer and HRBP	Ten working days from receipt of the appeal in writing.

<b>Step</b>	<b>Action To Be Taken</b>	<b>Person Responsible</b>	<b>Time Limit</b>
	<p>of the <u>appeal</u>. A Corporate Director or nominated Head of Service (not previously involved) will hear the case. After the meeting the complainant will be informed of the final decision, in writing, and reminded that this is the final stage of the grievance procedure.</p>		



**APPENDIX A**

**GRIEVANCE NOTIFICATION FORM**

***Notice of a Grievance***

Name:

Department:

Address:

Section:

Job Title:

Post No.:

***Details of Grievance*** (other than a grievance about issues not subject to this procedure)

(Please continue on a separate sheet if necessary)

**APPENDIX B**

**Guidance for Managers – How to conduct a Grievance Hearing:**

1. Under the formal part of this procedure, the employee will be advised, in writing, of the time, date and location of the Hearing and provided with a copy of the Grievance Procedure. The employee should be given at least five working days notice of the hearing date and this letter should be written by the Hearing Officer, in consultation with HR.
2. The employee will also be advised of their right to be accompanied at the Hearing by a Trade Union Representative or work colleague. Should the employee wish to be accompanied s/he should confirm the identity of the representative to Human Resources, in order that all appropriate details are forwarded to that person in reasonable time, including a copy of the Grievance Procedure.
3. The grievance hearing should be conducted as follows:-
  - (i) The Hearing Officer will introduce those present and explain why they are there, explain the purpose of the meeting and how the meeting will be conducted.
  - (ii) (If applicable) The Investigation Officer will be invited to present their report and findings. The aggrieved employee will be invited to ask questions of the Investigation Officer, as will the Hearing Panel.
  - (iii) The Hearing Officer will invite the aggrieved employee to state his/her case i.e. the circumstances that have led to the grievance, the nature of the grievance and why s/he feels aggrieved. The aggrieved person may do this personally, or the employee's representative may do this on their behalf. This could be done in the presence of the person whom the grievance is against (if applicable).
  - (iv) The aggrieved employee will refer to any documentation on which they are seeking to rely. The Hearing Officer will refer to any written evidence that has been gathered in the course of an investigation, including witness statements.
  - (v) (If applicable) The person whom the grievance is against may ask questions of the aggrieved employee and any witnesses called.
  - (vi) The Hearing Officer and HR Representative may ask questions of the aggrieved employee and any witnesses called.
  - (vii) At each stage of the Hearing and before any witnesses are released, the Hearing Officer will give those present the opportunity to ask questions and make any comments.
  - (viii) (If applicable) The person whom the grievance is against will put his/her reply in the presence of the complainant and call any witnesses as necessary.
  - (ix) (If applicable) The aggrieved employee may ask questions of the person whom the grievance is against and their witnesses. The Hearing Officer and HR

Representative may also ask questions of the person whom the grievance is against and their witnesses.

- (x) The aggrieved employee will have the opportunity to sum up if so wished.
  - (xi) (If applicable) The person whom the grievance is against will have the opportunity to sum up if so wished.
4. The grievance hearing will then be adjourned for the Hearing Officer to consider the facts of the case and make a decision. The aggrieved employee may be recalled to clear points of uncertainty on evidence already given. If recall is necessary, both parties will return regardless of which party is concerned with the points in doubt.
  5. The hearing may be reconvened and the decision, together with the reasons for that decision, be given to the aggrieved employee. The decision will be confirmed in writing, within ten working days of the hearing and giving the right of appeal.

**Notes:**

1. The Hearing Officer may alter the sequence of events if they consider that this would help conduct the hearing better, particularly if the Investigation Report has been circulated before the hearing.
2. The line manager may be asked to present what had happened at the informal stage and how they sought to resolve the issues.
3. Documentation (including any Investigation Report) should be circulated to all parties at least three working days before the Hearing date.

**WATFORD BOROUGH COUNCIL AND THREE RIVERS DISTRICT COUNCIL**

**HR POLICY : BULLYING AND HARASSMENT AT WORK**

**DATE FIRST ISSUED : 1999**

**DATE THIS ISSUE : AUGUST 2012**

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**1. INTRODUCTION**

**1.1 Policy Statement**

1.1.1 Both Councils are committed as equal opportunities employers. In line with our comprehensive Equality Policy within Three Rivers District Council (TRDC) and the Single Equality Scheme within Watford Borough Council (WBC), bullying and harassment at work is deemed unacceptable in any form, and such behaviour will not be permitted or condoned. All complaints of bullying and harassment will be treated seriously, fairly and without victimisation. If bullying and harassment is proved to have occurred under the formal procedure, this becomes a disciplinary matter to be dealt with via the disciplinary procedure.

**1.2 Scope and Purpose**

1.2.1 This procedure applies to all employees of both Councils and relates specifically to harassment and bullying at work. However, it is expected that all employees will follow the standards for behaviour as defined within the procedure when dealing with the public and in service provision. See Paragraph 5 of this document – Bullying and Harassment involving Members of the Public.

1.2.2 The purpose of this procedure is to:

- advise staff on what constitutes bullying and harassment, and to make it clear that all forms of harassment, victimisation or bullying at work are unacceptable.
- define clearly the process to be followed if an employee wishes to make a complaint regarding bullying and harassment at work.
- ensure that all staff are aware of the procedure and their responsibilities within it.

**1.3 Responsibility**

1.3.1 All staff carry responsibility for their own behaviour under this procedure. It is unacceptable for any employee to harass, bully or victimise another employee in any way.

- 1.3.2 Under the Whistleblowing Policy, any employee who witnesses another employee being harassed, bullied or victimised has a responsibility to report this to their line manager.
- 1.3.3 All Managers have a responsibility to take any complaints regarding bullying and harassment seriously and to take the appropriate action immediately, in accordance with this procedure.
- 1.3.4 All employers have a duty of care to their employees and are responsible for their health, safety and welfare at work. Employer’s responsibilities may extend to any environment where work-related activities take place, for example work parties.
- 1.3.5 Employers should be aware of “cyber bullying”. Detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying. As this would be seen to have its origins in the workplace, the employer could be liable.

#### 1.4 **Definitions**

1.4.1 In the Equality Act 2010 harassment is defined as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It may be persistent or an isolated incident, but the key is that the actions or comments are viewed as demeaning and unacceptable to the individual. Harassment can be identified by the impact, and not necessarily the intention, of the conduct.

1.4.2 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It should be borne in mind, however, that legitimate, constructive and fair criticism of someone’s performance or behaviour at work is not bullying. Some examples of what constitutes unacceptable behaviour are given in Appendix 1 of this procedure.

#### 1.4.3 Forms of Bullying and Harassment

Bullying and harassment are not necessarily face-to-face. They may also occur in written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), e-mail and telephone.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Employers may have a vicarious liability for acts of bullying and harassment against employees in the course of their work, if they have known of the

situation and have not taken the appropriate action (e.g. as defined in this procedure). This liability is in addition to any liability of those causing the bullying and harassment.

People can be subjected to bullying and harassment on a wide variety of grounds and include the following which are covered by this procedure:

- Sex
- Sexual orientation
- Gender reassignment
- Marital /civil partnership status
- Race, nationality, ethnic origin, national origin or skin colour
- Disability
- Age
- Pregnancy or maternity
- Employment status, eg part-time, fixed-term, permanent, self-employed, agency worker, etc
- Membership or non-membership of a trade union
- The carrying out of health and safety duties
- Religious or political beliefs
- Criminal record
- Health condition (assumed or otherwise), e.g. HIV status, diabetes, cancer, anorexia, mental health etc
- Physical characteristics
- Willingness to challenge harassment – being ridiculed or victimised for raising a complaint

#### 1.4.4 Victimisation

Victimisation means treating a person less favourably because of an action taken by that person, for example making a complaint of unfair treatment. Victimisation can be expressed in many ways, and will be regarded as a form of bullying and harassment within this procedure.

#### 1.4.5 The Legal Position

Harassment at work is not only unacceptable but also unlawful. Harassment on the basis of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity is covered by the Equality Act 2010. Employees are able to complain of behaviour that they find offensive even if it is not directed at them.

Individuals are protected from harassment both while applying for a job, while in employment and in some circumstances after the working relationship has ended, for example in connection with providing a reference. Additionally, the law covers harassment of an employee by a third party, for example, a service user. The Council is liable for incidents that have happened on two or more occasions and of which they are aware.

The legal position with reference to bullying is more complex as there is no separate piece of legislation. If bullying occurs at work for a non-discriminatory reason then there still is legal protection for employees under a myriad of legal principles.

## **2 Bullying and Harassment Procedure**

### **2.1 Informal Stage**

2.1.1 All complaints should be dealt with promptly, some of which may be dealt with informally. In minor cases, it may be sufficient for the recipient of bullying and harassment to raise the problem with the perpetrator, pointing out the unacceptable behaviour. Alternatively, the employee should follow s.6 of the Grievance Policy and Procedure to invoke the informal stage, by involving the line manager. Please note that if the line manager is subject to the grievance, then the next layer of management should be involved.

### **2.2 The Formal Procedure**

2.2.1 Where it is not appropriate to use the informal procedure, or where the informal procedure has not reached a satisfactory conclusion, the employee may raise the matter formally as outlined in section 7 of the Grievance Policy and Procedure in order to make a complaint. The employee is advised to complete the bullying and harassment notification form in place of the grievance notification form (Appendix 2).

2.2.2 Both Councils are prepared to challenge inappropriate behaviour and take action under the Disciplinary Policy if it is observed that an employee is being bullied and harassed, or there is evidence of an employee being bullied and harassed. There may also be cases where an employee makes an unfounded allegation of bullying and harassment for malicious reasons. These cases should also be dealt with under the Disciplinary Policy.

2.2.3 In cases which appear to involve serious misconduct and there is reason to separate the parties, a short period of suspension with pay of the alleged bully/harasser may need to be considered while the case is being investigated.

## **3 Counselling**

3.1 As an additional support mechanism, over and above the bullying and harassment procedure, any individual who needs further advice or assistance regarding harassment may be assisted by one-to-one counselling. (This applies to both parties involved in the procedure.) Counselling can be particularly effective where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint.

3.2 To make use of the one-to-one counselling service, staff should access PPC for their employee assistance programme.

**4. Monitoring**

4.1 Records of all complaints, including the action taken on them, shall be kept centrally by HR and monitored on a quarterly basis by management.

**5. Bullying and Harassment involving members of the public**

**5.1 Issues relating to bullying and harassment of staff by the public**

5.1.1 The Council adopts a zero tolerance approach to bullying and harassment against its staff by members of the public and will take appropriate action. Staff have a responsibility to report all issues of bullying and harassment to their line manager, and must complete a violent incident reporting form.

**5.2 Issues relating to claims of bullying and harassment made by members of the public**

5.2.1 If a member of the public raises a complaint alleging any form of bullying and harassment from a member of staff, the official complaints procedure should be used to record and investigate the complaint.

**6. Bullying and Harassment involving an Elected Member**

If the grievance is against an elected member of the Council, the complaint should be put in writing and addressed to the Monitoring Officer of the Council concerned and this will be dealt with under the Member's Code of Conduct.

Other Policies to refer to:–

- Grievance Policy and Procedure
- Disciplinary Policy and procedure
- Whistleblowing Policy
- Equality Policy/Single Equality Scheme
- The Violence at Work Policy



**APPENDIX 1**

Some examples of behaviour which could be perceived as harassment or bullying may be:-

- Spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation, religion or belief)
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances, touching, standing too close, display of offensive material
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant unwarranted criticism
- Preventing employees progressing by intentionally blocking promotion or training opportunities
- Sexually explicit derogatory comments or statements
- Unwelcome remarks about a person's age, dress, appearance, race or marital status
- Coercion for sexual favours
- Conversations, jokes, gestures which are likely to cause offence
- Derogatory name calling
- Abusive or patronising language
- Offensive written or visual materials including computer generated material, graffiti, or imagery
- Provocative behaviour such as wearing racist badges or insignia
- Threats, gestures or insults
- Unfair treatment – e.g. unfair allocation of work responsibilities
- Undue pressure or intimidation
- Innuendo or malicious gossip
- Expressing or acting on offensive stereotypical assumptions
- Written or verbal threats of physical violence, either immediately or later
- Threatening behaviour, e.g. threats with a weapon or fist causing fear or upset
- Humiliating someone in front of others; persistent belittling of other's opinions
- Deliberately and frequently setting unrealistic/unattainable objectives or targets
- Reducing someone's effectiveness by deliberately withholding information
- Imposing unfair/unwarranted sanctions

This list is not exhaustive.

**APPENDIX 2**

**BULLYING AND HARASSMENT NOTIFICATION FORM**

**Notice of a Complaint**

Name:            Department:

Address:        Job Title:

Line Manager's name:

Recipient of the Complaint:

Date of formal complaint:

**Details of alleged bullying/harassment incident/s:**

Nature of the alleged harassment/bullying incident:

Date(s) on which it occurred

Witnesses to the alleged bullying/harassment:

Details of any action taken by the complainant (i.e. informal procedure)

Any other relevant information:

(Please continue on a separate sheet if necessary)

**WATFORD BOROUGH COUNCIL AND THREE RIVERS DISTRICT COUNCIL**

**HR POLICY : MANAGING EMPLOYEE PERFORMANCE AND CAPABILITY**

**DATE FIRST ISSUED : JULY 2012**

**DATES REVIEWED :**

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**1. INTRODUCTION**

1.1 The Council is committed to being a fair and reasonable employer and recognises that instances may arise where managers will be concerned about the performance of an employee. Such cases need to be addressed through an agreed process where the problem is identified and appropriate action is taken.

1.2 Whilst every effort will be made to help an employee improve his/her performance and to retain them in post, the Council cannot guarantee to maintain employment if satisfactory performance is not achieved and sustained.

1.3 The managing performance procedure should not be viewed simply as a means of imposing sanctions. It is designed to emphasise and encourage improvements in individual performance. The objective is to help an employee meet the required standard.

**2. PURPOSE AND SCOPE**

2.1 Under-performance may be the result of:-

- (a) wilful refusal to work satisfactorily (ie attitude to work) in which case it is a matter of conduct and falls under the disciplinary procedure; or
- (b) the capability of the employee to carry out work specified in his/her job description.

2.2 For the purpose of this policy, under-performance is defined as:-

“where an employee is failing in a significant or persistent way to carry out his/her responsibilities or duties in a manner consistent with his/her manager’s expectations, either due to a lack of ability, inadequate training or lack of experience.”

2.3 This policy applies to all employees except for those listed below:-

- Chief Officers who are covered by a separate national procedure;
- The Head of Paid Service, S151 Officer and Monitoring Officer who are covered by a separate national procedure;
- Employees who are still in their probationary period (see Probationary Procedure);

- Employees who are not capable of carrying out the requirements of the job because of health issues (see sickness absence policy and procedure);
- Employees covered under separate TUPE arrangements;

2.4 The action to be taken under this procedure will depend on the nature of the specific shortcoming. In some circumstances, depending on the seriousness of the shortcoming, one or more stages may be omitted.

### **3. PROCEDURE**

#### **3.1 Informal Procedure**

3.2 Where an employee exhibits an inability to perform his/her duties satisfactorily, the Council will attempt to resolve the matter informally via a meeting with the line manager and member of staff. At the meeting, the line manager will adopt a non-critical and non-threatening approach and:-

- Discuss the problem with the employee.
- Confirm to the employee the performance standard required.
- Provide examples of the areas in which performance is below standard, which can be used to highlight problems and later measure potential improvements.
- Ascertain any contributing factors affecting performance, eg relationships with colleagues, domestic issues, insufficient training, workloads within the section, vacancies or sickness within the section, lack of career opportunity.
- Identify possible solutions with the employee to help improve performance. This could include additional training, increased supervision and regular monitoring.

3.3 The manager should make a record of the discussion, draw up with the employee an agreed action plan, and set a reasonable time to be allowed for improvement. The time allowed will take account of the type of work undertaken, and relevant work cycles. Regular reviews should be scheduled and recorded.

3.4 A copy of the record of the discussion and a copy of the agreed action plan, together with the timescale for improvement and agreed method of monitoring performance, should be given to the employee.

3.5 If the employee's performance improves adequately over the timescale, then the process will terminate at this stage.

3.6 If performance remains unsatisfactory, then the formal procedure will be invoked by the line manager as set out below.

## 4. FORMAL PROCEDURE

### General Principles

- 4.1 When it becomes apparent that an informal approach to improving performance has failed, the employee should be told at the review meeting that a formal process will be entered into and that a formal interview will follow.
- 4.2 The purpose of the formal managing performance meeting is to review performance, hear representations from the employee, consider the potential for improvement and to take such action as the manager decides is appropriate.
- 4.3 HR will be involved in all formal stages of the procedure in order to ensure that a fair and consistent approach is taken by managers across the Council.
- 4.4 At all formal stages of the procedure, an employee will have the right to be accompanied by a trade union representative, staff representative or a work colleague of his/her choice. Should the employee wish to be accompanied, s/he should confirm the identity of the representative to HR at least **3 days** prior to the meeting. HR will ensure that all appropriate details are forwarded to the representative, including a copy of the managing performance procedure.
- 4.5 The action to be taken under the formal procedure will depend on the nature of the specific shortcoming. In some circumstances, depending on the seriousness of the shortcoming, one or more of the stages may be omitted.

### 4.6 Notification

- 4.6.1 The line manager, together with an HR representative, will arrange a formal meeting with the employee.
- 4.6.2 Notification of the meeting will be provided, in writing, at least **5 working days** prior to the meeting and the letter should contain:-
- A clear explanation of where the employee has not met the required standards.
  - The time, date and venue of the meeting.
  - Who will be present at the meeting.
  - A statement confirming the right to be accompanied at the meeting by a trade union representative, staff representative or a work colleague of his/her choice.

## 5. SANCTIONS/FORMAL ACTIONS

- 5.1 There are 3 levels of action under the formal procedure:-
- Stage 1 – first written warning
  - Stage 2 – final written warning

- Stage 3 – dismissal following a final managing performance review.

## 5.2 Stage 1

5.2.1 A meeting will be arranged as outlined in paragraph 4.6.2 above.

5.2.2 At the meeting the employee will have the opportunity to comment on his/her performance assessment, provide an explanation and indicate what assistance is required to improve performance, including any reasonable adjustments to be considered.

5.2.3 If it is found that performance is not acceptable, a first warning will be given.

5.2.4 A development/improvement plan (**see Appendix 1**) will be agreed with the employee, together with an appropriate timescale for reaching the required performance standard, and a review date will be set.

5.2.5 The manager will send the employee a letter confirming the outcome of the meeting and the review arrangements and attach a copy of the meeting notes and development plan. The letter will also inform the employee of the possible consequences of failure to reach the satisfactory performance standards and of their right to appeal. A copy of the letter and attachments will be forwarded to the employee's representative if requested.

## 5.3 Stage 1 Review Meeting

5.3.1 A meeting will be arranged as outlined in paragraph 4.6.2 above.

5.3.2 **If improvement and performance have reached a satisfactory standard**, the employee will be advised that **no further action needs to be taken**. A follow-up date will be agreed to ensure that the improvement is maintained. The record will be placed on the employee's personal file and only referred to again if the performance fails to maintain the required standard.

5.3.3 **If improvement and performance have not been achieved**, the meeting will be heard in accordance with Stage 2 of this procedure.

## 5.4 Stage 2

5.4.1 At the meeting the manager will review progress against the development plan and confirm where the required standards have not been met.

5.4.2 The employee will have the opportunity to comment on his/her performance assessment, provide an explanation for the reasons for failure or evidence of how s/he believes that acceptable performance standards have been met.

5.4.3 If it is found that performance standards remain unacceptable, a **final warning** will be given and the employee will be informed of the consequences of failure to reach the required performance level. Possible consequences include:-

- i Subject to prior consultation and agreement with the employee, s/he may be transferred/redeployed to an alternative vacant post commensurate with his/her capabilities. If this is a lower graded post, no protection is available.
  - ii The employee may be given further time for improvement and/or provided with new objectives.
  - iii The employee may be dismissed on the grounds of capability.
- 5.4.4 A further development/improvement plan will be agreed with the employee, together with an appropriate timescale for reaching the required performance standard, and a review date will be set. The employee will be given a further opportunity to indicate what assistance is required to improve performance, including any reasonable adjustments to be considered.
- 5.4.5 The manager will send the employee a letter confirming the outcome of the meeting and the review arrangements and attach a copy of the meeting notes and updated development plan. The letter will also inform the employee of the possible consequences of failure to reach the satisfactory performance standards and of their right to appeal. A copy of the letter and attachments will be forwarded to the employee's representative if appropriate.
- 5.5 **Stage 2 Review Meeting**
- 5.5.1 A meeting will be arranged as outlined in paragraph 4.6.2 above.
- 5.5.2 **If improvement and performance have reached a satisfactory standard**, the employee will be advised that **no further action needs to be taken**. A follow-up date will be agreed to ensure that the improvement is maintained. The record will be placed on the employee's personal file and only referred to again if the performance fails to maintain the required standard.
- 5.5.3 **If improvement and performance have not been achieved** a meeting will be heard in accordance with Stage 3 of this procedure.
- 5.6 **Stage 3**
- 5.6.1 The meeting will be chaired by a Head of Service or Director, and HR representative who, where possible, has had no prior involvement in the case.
- 5.6.2 Notification of the meeting will be provided, in writing, at least **10 working days** prior to the meeting and the letter should contain:-
  - A clear explanation of the purpose of the meeting.
  - Possible consequences of failure to reach the required performance level, including the option of dismissal.
  - The time, date and venue of the meeting.
  - Who will be present at the meeting.

- A statement confirming the right to be accompanied at the meeting by a trade union or non-union representative or a work colleague of his/her choice.

5.6.3 The Stage 2 manager will prepare a summary report and collate the documentation to be considered at the Stage 3 meeting. This will be passed to the HR representative, who will ensure it is sent to all participants of the Stage 3 at least **5 days** prior to the meeting.

5.6.4 The employee will be asked to prepare a summary of his/her case, which should be forwarded to the HR representative, where possible, at least **3 days** prior to the meeting. This will be forwarded to all participants of the Stage 3 meeting.

### 5.7 **Conduct at the Stage 3 Meeting**

The meeting will be conducted as follows:-

- (i) The Hearing Manager will introduce those present and explain why they are there, explain the purpose of the interview and how the interview will be conducted.
- (ii) The line manager will present the summary report in the presence of employee and representative and call any witnesses.
- (iii) The employee or representative may ask questions of the line manager and any witnesses called.
- (iv) The Hearing Manager and HR Representative may ask questions of the line manager and witnesses.
- (v) At each stage of the interview, and before any witnesses are released, the Hearing Manager will give those present the opportunity to ask questions and make any comments.
- (vi) The employee will present his/her summary report in the presence of the line manager and call any witnesses as necessary.
- (vii) The line manager may ask questions of the employee and witnesses.
- (viii) The Hearing Manager and HR Representative may ask questions of the employee or witnesses.
- (ix) The line manager will have the opportunity to sum up if so wished.
- (x) The employee will have the opportunity to sum up if so wished.

5.7.1 The meeting will then be adjourned for the Hearing Manager to consider the facts of the case and make a decision. The line manager or employee may be recalled to clear points of uncertainty on evidence already given. If recall is necessary, both parties will return regardless of which party is concerned with the points in doubt.



- 5.7.2 If it is found that performance standards remain unacceptable, possible outcomes of the meeting include:-
- i. Subject to prior consultation and agreement with the employee, s/he may be transferred / redeployed to an alternative vacant post commensurate with his/her capabilities. If this is a lower graded post, no protection is available.
  - ii. The employee may be given further time for improvement and/or provided with new objectives.
  - iii. The employee may be dismissed on the grounds of capability.
- 5.7.3 The meeting will be reconvened and the decision, together with the reasons for that decision and information concerning the right of appeal, will be given to the employee.

## **6. FAILURE TO ATTEND MEETINGS UNDER THIS PROCEDURE**

- 6.1 Failure to attend a meeting without good cause will be considered as gross misconduct.
- 6.2 Failure to attend a meeting due to sickness absence, however small the notice of absence may be, may result in the meeting going ahead in the absence of the employee, who will have the opportunity of providing a written statement or being represented by a nominated representative.

## **7. APPEAL**

- 7.1 An employee may appeal against any formal action taken under this procedure to the Councils' Head of Human Resources. An appeal may be lodged against the decisions of the meeting as regard to the finding and/or outcome. It may also be lodged against failure to follow this procedure adequately.
- 7.2 An employee wishing to appeal against a decision, must do so in writing to the Head of Human Resources within **10** working days of receiving written notification of the sanction, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.
- 7.3 Arrangements for the appeal hearing will be made by the Human Resources Section. The appeal shall be conducted in accordance with the procedure detailed in section 7.7 below.
- 7.4 The Appeal will be heard by a more senior manager and HR representative, who, where possible, have had no prior involvement in the case.
- 7.5 The employee may be accompanied by a union representative, staff representative or a work colleague of his/her choice at any appeal hearing.
- 7.6 The management representative at the appeal hearing will be the Hearing Officer responsible for the decision which is subject of the appeal.

## 7.7 Conduct of Appeal Hearings

7.7.1 The Chair of the Appeals Panel will conduct the hearing as follows:

- (i) The Chair of the Panel will open the proceedings with an explanation of the purpose of the hearing and the procedure to be followed, introducing those present. S/he will confirm with the employee the reason for lodging an appeal as submitted in writing to the Chair.
- (ii) The employee and/or his/her representative will put his/her case in the presence of the management representative outlining the grounds for the appeal and the reasons why s/he feel the original decision was incorrect. The employee or his/her representative shall call any witnesses or refer to any documents as necessary. Witnesses shall be called in turn and for each witness the procedure shall be:
  - the employee or representative questions the witness
  - the management representative questions the witness
  - the Appeals Panel questions the witness.
- (iii) The management representative will ask questions of the employee and/or representative.
- (iv) The Appeal Panel will ask questions of the employee and/or representative.
- (v) The management representative will put the case for capability action in the presence of the employee and his/her representative, calling witnesses and referring to documents, as necessary. Witnesses shall be called in turn and for each witness the procedure shall be as in (ii) above.
- (vi) The employee and/or representative will ask questions of the management representative.
- (vii) The Appeal Panel will ask questions of the management representative.
- (viii) The management representative and the employee and/or his/her representative will sum up their respective cases and then withdraw.

7.7.2 The Appeal Panel will consider the case in private. When determining the outcome of any appeal, the chair may quash, vary or confirm the decision under appeal.

7.7.3 The decision of the Panel shall be notified to the employee verbally at the end of the Hearing in the presence of the management representative and shall be confirmed in writing within **5** working days of the hearing.

7.7.4 The decision of the Appeals Panel shall be final.

**8. PROCEDURE TO FOLLOW DURING PROBATIONARY PERIOD**

- 8.1 The Conditions of Service provide for a probationary period for new entrants to Local Government of not less than three or more than six months. A new employee whose work performance falls short of the approved standard may have his/her appointment terminated within that time, without protection of the stages of the capability procedure as laid down. However, in order that every employee on probation is treated fairly the investigation and conduct of interviews should follow the provisions of the capability procedure where possible.

**9. REVIEW OF PROCEDURE**

- 9.1 This procedure will be periodically reviewed. Employees will be notified of any amendment and the effective date for any change. The whole procedure may be terminated by management, giving not less than three months' notice to employees. If terminated, a new procedure will be introduced.

**ANTI-FRAUD AND CORRUPTION STRATEGY**

**Click on the link below to access this strategy and related documents listed below:-**

**[Anti-Fraud and Corruption Strategy](#)**

Includes:-

- Whistleblowing Policy
- Housing Benefit / Council Tax Benefit Fraud Policy
- Sanctions Policy
- Anti-Bribery Policy

## **THREE RIVERS DISTRICT COUNCIL**

### **MEMBERS' CODE OF CONDUCT**

**Adopted 10 July 2012**

As a member or co-opted member of Three Rivers District Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

**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 make decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**OBJECTIVITY:** Holders of public office must act and make 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 make 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.

As a Member of Three Rivers District Council my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

The Act further provides for registration and disclosure of interests and in Three Rivers District Council I will comply with the following requirements

## **1. Disclosable Pecuniary Interests**

I must within twenty-eight days of (a) this Code being adopted by this authority or (b) my election or appointment to office (where this is later) -

- 1.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which I have a disclosable pecuniary interest or other pecuniary interest
- 1.2 ensure that my register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of my disclosable pecuniary interests
- 1.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest or other pecuniary interest at any meeting at which I am

present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

- 1.4 “Meeting” means any meeting organised by or on behalf of the authority, including –
  - 1.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
  - 1.4.2 in taking a decision as a Ward Councillor
  - 1.4.3 at any briefing by officers; and
  - 1.4.4 at any site visit to do with business of the authority

## **2. Other Interests**

- 2.1 In addition to the requirements of Paragraph 1.3, if I attend a meeting at which any item of business is to be considered and I am aware that I have a registrable non-pecuniary interest, or an interest under 2.2 below, in that item, I must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 2.2 I have a non-registrable interest in an item of business of my authority where –
  - 2.2.1 a decision in relation to that business might reasonably be regarded as affecting my well-being or financial standing, or the well-being or financial standing of a member of my family, or a person with whom I have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area, for which I have been elected or otherwise of the authority’s administrative area.

## **3. Gifts and Hospitality**

- 3.1 I must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.
- 3.2 The Monitoring Officer will place my notification on a public register of gifts and hospitality.
- 3.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## Appendix

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.



<i>Interest</i>	<i>Prescribed description</i>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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 deposited with a building society.

## **OFFICERS' CODE OF CONDUCT**

### **INTRODUCTION**

There is a tradition in the public sector, particularly at more senior levels, of an acceptance of certain norms which do not necessarily apply in the private sector. In particular, within a local democratic framework, there is a traditional presumption of willingness to accept a generalised obligation of loyalty to the authority (and in practice to the formally adopted policies and decisions of the authority).

As the Purple Book (NJC Conditions of Service for APT&C) Staff states:

'The public is entitled to expect conduct of the highest standard from local government employees and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.'

The Council is committed to maintaining a high level of service for the benefit of its community and in order to achieve this objective, high standards of official conduct are necessary from all Council employees.

In order for such standards to be met, the Council has to lay down guidelines which it considers reflect fair and reasonable levels of conduct. The standards which the Council would wish to see applied by its employees are contained in this Code. These guidelines apply equally to all Council employees (i.e. Chief Executive, Management Board, Heads of Service, APT&C and Manual Workers). *Any employee who fails to observe them may be liable to disciplinary action.*

The provisions of this Code have been accepted by the relevant negotiating bodies representing all employees and should be read in conjunction with the Council's Standing Orders and procedures and will form part of the Contract of Employment.

The term 'Service Head' used throughout the Code covers the posts of Chief Executive and all Directors/Heads.

*Employees are strongly advised to consult with their Service Head and/or Section Head where there are difficulties in interpretation and/or compliance with the requirements of this Code. Employees should also consult their Trade Union or other representative for advice and guidance on this Code where appropriate.*

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## **1 GENERAL CONDUCT**

### **1.1 Work Performance**

1.1.2 Employees should undertake their official duties and responsibilities in an efficient manner and should not wilfully neglect their duties and responsibilities nor cause any waste or loss of time and productivity. Employees are also required to comply with the terms and conditions of service as laid down in their respective Contract of Employment.

1.1.3 The Council expects all employees to deal with each other, with Council Members, with persons from outside organisations and with members of the public in a courteous manner.

### **1.2 Equal Opportunities**

1.2.1 The Council expects all employees to comply with and operate its Comprehensive Equality Policy and related procedures and practices. Employees should not discriminate against other employees of the Council, clients or members of the public on grounds of race, colour, creed, ethnic or national origin, disability, gender, age, sexual orientation religion, marital/civil partnership status, pregnancy/maternity, gender assignment. Employees should not harass any person with whom they come in contact.

1.2.2 Failure to comply with and/or breaches of the Council's Comprehensive Equal Policy may lead to formal disciplinary action.

### **1.3 Principles of Public Life**

1.3.1 The Council expects all employees to adopt and display the principles of public life, as follows:

(i) **Selflessness**

Employees should act solely in terms of the public interest;

(ii) **Integrity**

Employees 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 make decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships;

(iii) **Objectivity**

Employees must act and make decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias;

(iv) **Accountability**

Employees are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this;

- (v) Openness  
Employees should act and make 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;
- (vi) Honesty  
Employees should be truthful;
- (vii) Leadership  
Employees 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.

## **2 GIFTS, FEES, REWARDS AND HOSPITALITY**

### **2.1 Bribery Act 2010**

- 2.1.1 The link between gifts and hospitality and a subsequent change in behaviour on the part of an employee has long been recognised by the Bribery Act 2010 and previous legislation and all employees should ensure that they are familiar with the provisions of the Acts as detailed below.
- 2.1.2 Under the Bribery Act, it is an offence for employees to solicit or accept any gift or reward in return for allowing themselves to be influenced in any way in their official capacity.
- 2.1.3 Where an employee has been proved to have received any money, gift, or consideration from a person or organisation holding, or seeking to hold, a contract with the Council, the law provides that corruption may be presumed unless the contrary is proved. That is to say, if employees are accused of this offence, the burden of proof rests with them personally to show that they did not favour or disfavour any person or organisation concerned with the contract.
- 2.1.4 Any proven breach of the provision of these Acts may lead both to disciplinary action (which will be taken according to the Council's usual procedures) and to prosecution. On conviction in the Courts an employee may be liable to a fine or imprisonment or both and following appropriate disciplinary action may be liable to dismissal, and, amongst other things, to forfeiture of Superannuation benefits. Employees, therefore, must ensure that their actions are in accordance with the terms of this Code of Conduct.

## **2.2 Local Government Act 1972**

- 2.2.1 Employees should be aware that, under the Local Government Act 1972, 'they should not under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration'.

## **2.3 Gifts and Hospitality**

- 2.3.1 It is common private sector practice to offer and accept gifts and to make use of expense account lunches as a method of influencing clients/potential customers. The commonplace nature of such activity is such that its refusal may give offence. Its acceptance, however, is not without dangers for it may well place employees in a compromising position and/or under some obligation to reciprocate the favour given in a form which may be associated with their official position.

- 2.3.2 Employees are reminded of the standards expected of people working in the public sector and the differences between working for profit and working with the tradition of public service, even in these days of more commercial or entrepreneurial local government.

- 2.3.3 Employees are expected not to foster the suspicion of a conflict of interest and must therefore be careful not to show by their behaviour that they could be influenced by gifts or hospitality whilst acting in their official capacity.

- 2.3.4 The Council inserts into every formal contract a clause entitling it to cancel and recover any losses if any gifts or inducements are offered by contractors or their employees, whether with or without their knowledge. Any such offer of a gift or inducement should accordingly be reported immediately to the Service Head by the employee to whom it is made.

- 2.3.5 Any gift or gratuity should be declined. Gifts or gratuities received or delivered should be returned to the sender stating the Council's policy on such issues except where the Service Head has indicated in writing that s/he is satisfied that in no circumstances could the gift or gratuity be regarded as an inducement.

- 2.3.6 Employees must be on their guard against other inducements offered by organisations/ individuals which may well be disguised eg a supplier making goods available either free of charge or substantially below market prices to obtain approval or sponsorship of the Council. Any suspicion of this and other forms of inducement must be reported to the Service Head and/or Section Head.

## **2.4 Acceptance of Hospitality**

- 2.4.1 Employees should be aware of the dangers of participating in any sort of social or quasi-official event organised for them by organisations that have business or are likely to have business with the Council. Such participation could foster the suspicion of a conflict of interest and place the employee in a potentially compromising position.

- 2.4.2 Council employees are expected to exercise discretion in the offering and acceptance of hospitality and ensure that their actions in no way undermine the confidence of Members, other employees and the public. This is very important in respect of offers of hospitality from contractors/consultants, voluntary or pressure groups, either current or prospective who carry out work on behalf of the Council, or are seeking

Council approval in certain areas (eg planning applications, grant applications). The acceptance of hospitality will be strictly limited to occasions directly having an explicit business purpose.

- 2.4.3 It may be appropriate, however, for employees to attend social occasions as the nominated representatives of the Council, in which case a record of such occasions will be maintained by the Chief Executive.
- 2.4.4 All offers of hospitality including offers of lunch by contractors/suppliers, voluntary and community organisations must be brought to the attention of the Service Head and/or Section Head and a record of the details should be maintained giving the following information:
- name of company or individual
  - if the company or individual is seeking any permission or work from the Council
  - the form of the hospitality and location
  - whether it is in working hours

to enable appropriate guidance to be given in accordance with the standards laid down in this code (i.e. whether the hospitality is justified or not in relation to the efficient and impartial conduct of the Council's business).

- 2.4.5 A copy of the record should be appended in the Interest Book held in the Chief Executive's office.
- 2.4.6 The Service Head and/or Section Head will need to determine whether it is in the best interests of the Council that the offer(s) be accepted. It is important that travelling and subsistence expenses incurred by employees on visits to firms/ contractors/voluntary and community organisations should be at the Council's expense.
- 2.4.7 There may be occasions when it is desirable for organisations to be entertained on Council premises at the Council's expense. Such circumstances must have the prior approval of the Service Head and Chief Executive. The hospitality provided must be appropriate for the occasion.

## **2.5 Legacies**

- 2.5.1 There may be occasions when members of the public may wish to show their appreciation of the services of the Council and/or particular Council employees by leaving money/gifts to them in their wills. Members of the public should be discouraged from leaving legacies to employees and anyone aware that s/he will be made a legacy must declare to their Service Head the relevant details including name of the individual concerned, the service that has been provided, the reason for the legacy and the amount involved, before acceptance.

## **3 ACCESS TO INFORMATION**

### **3.1 Use of official/Confidential information**

- 3.1.1 Paragraph 72 of the Purple Book states that:

'No officer shall communicate to the public, the proceedings of any committee meeting etc, nor the contents of any document relating to the authority, unless required by law or expressly authorised to do so'.

- 3.1.2 There is, therefore, an implied contractual obligation for employees to maintain a proper level of trust and confidence with their employer regarding confidential information or documentation given to the media/general public. Whilst these obligations specifically relate to APT&C employees, it nevertheless generally applies to all Council employees as similar provisions are contained within Council Standing Orders.
- 3.1.3 The classification of 'confidential' should only be used as defined in the Council's freedom of information policy. Documents marked 'confidential' mean just that and employees should be aware of the nature of such information and the consequences of disclosing it and any limited circulation relating to it.
- 3.1.4 Exploitation of confidential information for personal gain or those of relations, partners or friends, or other improper motives may lead to disciplinary action. If in doubt, employees should consult their Service Head and/or Section Head.

## **3.2 Ex-Employees**

- 3.2.1 Employees who leave the Council's service should not use and/or divulge confidential information gained whilst in the employ of Three Rivers District Council. Ex-employees should not use inside contacts to circumvent normal Council processes.

## **4 DISCLOSURE OF INTERESTS**

### **4.1 Interests in Contracts**

- 4.1.1 Employees are legally obliged to inform the Chief Executive if they have previously had or currently have an interest (direct or indirect) in any contract under consideration by the Council (Local Government Act 1972, Section 117 and para 73 of the Purple Book).
- 4.1.2 Employees also have an obligation to inform the Chief Executive if their spouse or partner or other family ties of which the employee is aware have previously had or currently have an interest (direct or indirect) in any contract under consideration by the Council. This paragraph relates to private and personal interests, including those of family and friends, as well as those arising through membership of, or association with, clubs, societies and other organisations such as the Freemasons, trade and voluntary bodies.
- 4.1.3 Under the Council's Standing Orders, the Chief Executive is responsible for maintaining records of any notice given by an employee of the Council of a pecuniary interest in a contract. These records are available for inspection in the Chief Executive's office in accordance with Standing Orders by any Member of the Council.

### **4.2 Employees Personal Dealings with the Council**

- 4.2.1 Employees applying for discretionary benefits from Council services (eg planning/grant applications or seeking consent from the Council in their capacity as a local resident) are expected to ensure that their applications clearly indicate that they are employed by the Council to avoid any undue suspicion of favour or conflict of interests. Such applications will be reported by the applicant to the Management Board and/or Committee as necessary. Confidential records will be maintained by the Chief Executive of such applications.



#### **4.3 Involvement with Outside Organisations**

- 4.3.1 Employees who have involvements with outside organisations relevant to their area of employment with the Council should not, in their official capacity, have any involvement with the affairs of the organisation (i.e. processing, advising on grants etc). Such connections must be reported to the appropriate committee.
- 4.3.2 Similarly, employees have an obligation to declare if they or their spouse or partner have an interest in a voluntary organisation which is being considered for a loan or grant by the Council or other ties of which the employee is aware. If in doubt, employees should consult their Service Head.

### **5 MEMBER/OFFICER RELATIONSHIPS/CONTACTS**

- 5.1 The role and responsibilities of Members and Council employees are distinctive; however, both have a role in service delivery and responsibilities to the District in providing services and support.
- 5.2 It is important that Member enquiries should be dealt with efficiently and effectively and within the established policy and procedures for the service area concerned. If employees consider that unreasonable Member pressure is being brought to bear to deal with a particular issue outside of established procedures and policies, the relevant details must be referred to the Service Head. It is the Service Head's responsibility to determine whether the incident concerned should be reported to the Group Leader.
- 5.3 Lines of communication between Members, employees and members of the public should accord with defined and established management practice, be readily identifiable and respected by all concerned. Whilst a working relationship between employees and Members has to exist to enable an effective responsive service to be provided, the use of that relationship should not be abused. Mutual respect between employees and Members is essential to good local government. Close personal familiarity between individual employees and Members can damage this relationship and prove embarrassing to other employees and Members.
- 5.4 Individual employees, in whatever capacity, are precluded from approaching Members direct about personal matters relating to their employment and conditions of service. Such matters should be raised initially with the appropriate line manager/supervisor and/or Human Resources and/or through the Council's normal procedures. Members will report any such approaches to the appropriate Service Head.
- 5.5 Disruption of any official meetings of the Council or of its various committees, sub-Committees etc by employees of the Council would be a serious breach of trust and confidence. Such actions could bring the Council into disrepute no matter in what capacity employees are acting at the time.

### **6 PERSONAL RELATIONSHIPS**

- 6.1 Employees should realise that there may be situations in their personal life which may have a bearing on their employment. The Council cannot direct relationships, but employees must exercise judgement in their relationships with other colleagues in

order to avoid creating potential compromising situations or conflicts of interests in relation to their personal life or private commercial transactions.

- 6.2 The relationship of landlord and tenant should not either directly or indirectly be created or allowed to exist between any employees who are in any way responsible for each other's appointment, pay, promotion, discipline or dismissal or indeed between Members and employees. Similarly, no financial loans or private commercial transactions should be entered into between such employees or between Members and employees. In the event of any difficulties in this area, such cases should be referred to the Service Head for a decision.
- 6.3 It is essential that the Council's Comprehensive Equality Policy is consistently and equitably applied in respect of the recruitment, selection and promotion of employees. This is particularly important in respect of individuals who are related by birth, marriage/civil partnership, partnership or who are known outside work to employees and Members.
- 6.4 All candidates for posts in the Council whether existing employees or not, are required to disclose when submitting an application whether they are related or known through personal contact (i.e. known by way of friendship, membership of an association, society or trade union, voluntary or community organisation, trusteeship or other kind of relationship), to any elected Member or senior officer (this shall be any senior or principal officer or Service Head of the Council). Failure to disclose this will result in disqualification for the appointment and if appointed, liability to dismissal without notice.
- 6.5 Canvassing any Member of the Council by an employee in connection with any appointment under the Council may lead to disqualification and disciplinary action.
- 6.6 Every Member or senior officer (this shall be any senior or principal officer or Service Head of the Council) who knows of any relationship (i.e. marriage, partner, kinship, personal friendship) between themselves and a candidate for appointment shall disclose such in writing to the Head of HR and will take no part in any of the selection or appointment procedure, having declared such an interest.

## **7 PROCEDURE RULES**

- 7.1 Employees are expected to comply with the Council's Procedure Rules and attention is drawn particularly to those dealing with matters of Finance, Contracts and Interests. That being so, the Council will ensure that all relevant Procedure Rules are made available to employees for inspection.
- 7.2 Service Heads and Section Heads are expected to remind themselves and their members of staff of the Council's Procedure Rules, and to ensure compliance with those requirements.
- 7.3 Procedure Rules require a Service Head in circumstances where a financial irregularity is suspected, to inform the Director of Corporate Resources and Governance and the Audit Manager. If an irregularity (involving a material financial loss) has occurred a report must be submitted to the relevant committee(s) as soon as practical.
- 7.4 The particular attention of all employees is drawn to the following situations in which financial irregularity occurs:

- 7.4.1 an employee or some other person obtains money or property due to or belonging to the Council to which s/he is not lawfully entitled or which is not lawfully paid by the Council, whether or not financial regulations are complied with, or
- 7.4.2 an employee, purporting to act on behalf of the council obtains money, property or other benefit illegally from a third party, or
- 7.4.3 any payment made by the Council is excessive in relation to the benefit derived from the service to which it relates, or
- 7.4.4 the financial procedures prescribed for the protection of the Council are not complied with, whether or not the Council suffers any financial or other disadvantages.
- 7.5 If employees suspect that a colleague may be committing a dishonest, fraudulent or corrupt act, they should normally report their concerns to their Section Head or Chief Officer, or to the Director of Corporate Resources and Governance or Audit Manager (as appropriate)

## **8 PRIVATE AND PUBLIC LIFE**

### **8.1 Employment Outside of the Council**

- 8.1.1 The Council does not seek to limit beyond the protection of its own interests the activities of its employees in their own time. However, the Council does require that efficiency and performance of official duties shall not be impaired by paid or unpaid employment outside of the council's normal working hours. Implicit in this is the requirement that there must be no question of employees undertaking activities in circumstances which might lead to the suspicion of undue favour being granted, or undue or improper influence exercised in relation to contracts or any kind of consent, permission etc which the public may seek from the Council.
- 8.1.2 All employees are expected to ensure that their private interests and their public duties do not conflict. Individuals will need to consider whether action taken as a result of membership of various organisations such as political groups, tenants associations, voluntary groups etc., comes into conflict with their duty as Council employees.
- 8.1.3 Employees should not undertake paid or unpaid outside work if their official duties overlap with their proposed work in a way which will cause a conflict of interest, or which makes use of material to which the employee has access by virtue of his/her position (eg work which may be subject to the Council's supervision or consent - planning/grant applications, or acting for a relative, friend or colleague on a property matter involving the Council).
- 8.1.4 Private work should not be undertaken for any person, company or contractor who is known by the employee to have a contractual relationship with the Council or who is seeking work from the Council.
- 8.1.5 All Employees are required to be occupied during their normal working hours with the business of the Council. No outside or private work of any sort should be undertaken in the Council's normal working hours or on official premises even after working hours. The use of Council facilities (eg telephone, photocopying, typing) or

equipment for outside or private work is strictly forbidden as well as incoming telephone calls related to outside/private work.

- 8.1.6 Private paid or unpaid work must not be undertaken by employees who are absent from duty owing to sickness unless in exceptional circumstances where the Head of Service may grant express permission where it can be demonstrated that recovery will be assisted by such action.
- 8.1.7 We recognise that employees sometimes undertake work outside their own official duties, whether or not for payment, which is clearly in the public interest and is to be encouraged; participation in the work of an Officer's professional institution, for example, or lectures at a local college. But we understand that employees of the Planning or Architectural departments of some planning authorities are allowed to undertake, for payment, technical or presentational work for an applicant for planning permission. Such work is no doubt done in good faith and does not in fact lead to any kind of special treatment for the application once it is submitted. Nevertheless, the potential risks here are so great, and the effect on the good name of local government so unfavourable, that we think that the practice should be prohibited outright, in relation not only to planning applications but also to all other applications involving professional or technical work. This view accords with advice given to their members by the Local Authority associations in England and Wales in 1961-1962.
- 8.1.8 The Council has decided, with the exception of employees preparing applications in respect of their own property, that no applications of any kind which come before them for approval should be prepared privately by an employee, even where a reward is not involved, (e.g. when an employee wishes to assist a friend the Council considers that the rule should apply).

The Council consider that without this rule:

- (1) There could arise on occasion accusations by the public that:
  - (a) plans prepared by Officers have received more favourable treatment than plans which they consider to be very similar;
  - (b) plans receive more favourable write up to Committee even where the employee concerned with the preparation of the plan is in no way concerned with the report to Committee.
- (2) Employees might be called on to advise the Council on aspects of a case where they may be acting for the private individuals involved.
- (3) Difficulties will arise where appeals occur. Employees concerned would not be able to act for their client against the Council, while an appellant might put forward in their grounds of appeal that they have been advised by an employee of the Council.
- (4) An employee of the Council may have to advise a committee that the work of a fellow employee of the Council is unsatisfactory.
- (5) If decisions on applications are delegated to employees for them to have to decide applications prepared by colleagues. The rule will not preclude private work which involves only applications to other local authorities, subject to the conditions set out above

Any breach of this additional guidance will be regarded as a serious breach of discipline.

## 8.2 Permission to take up Outside Employment

8.2.1 Employees who are considering taking up additional paid or unpaid employment whether inside or outside of the District boundaries, must first notify their Service Head in writing prior to taking up the employment. Consideration will be given by Management Board to the effects of such employment on the Council's services and interests.

8.2.2 If the Service Head and Management Board consider that such additional paid or unpaid employment should not be undertaken the employee should be notified accordingly. Due account will be taken by the employee of the views of the Service Head in deciding whether or not to take up such additional paid or unpaid employment. A decision will have to be taken as to the appropriate action by the Service Head if the employee continues to undertake additional employment.

8.2.3 Employees who are currently undertaking additional paid or unpaid employment must, within three months of the implementation of this code, submit relevant details to their Service Head to ensure that appropriate records are maintained and to safeguard the Council's interests. Forms for this purpose are available from Human Resources

The Council will ensure that all employees are made aware of this requirement.

## 8.3 **Ex-Employees**

8.3.1 Ex-Employees should not divulge any confidential information gained during their period of employment with the Council. Similarly ex-employees should not normally undertake to accept engagement with any consultant/contractor to the Council (i.e. those contracts on the Council's selective list and/or those consultants engaged by the Council at the time of leaving) for a period of one year after leaving the Council's employment. Such employers would normally be notified by the Council of this provision in a reference.

## 8.4 **Intellectual Property**

8.4.1 This generic term includes drawings, inventions, creative writing, software etc. If these are created by an employee in the course of the employee's normal duties they become the property of the Council. An employee or ex-employee shall take no action to deprive the Council of the benefit of such property.

## 8.5 **Publications, Broadcasts and Lectures**

8.5.1 The Council has established a Communications and Marketing Unit which is responsible for all official press releases and statements. Individuals, who are asked by the media to make comments. should refer such requests direct to that Unit.

8.5.2 Employees should not publish, or authorise the publication of any book or article by them or with others which indicates that the writer is an employee of, or connected with, the Council unless a statement appears in a prominent position in such a book or article to the effect that the Council accepts no responsibility for the author's opinions or conclusions.

- 8.5.3 Similarly, an employee should not, without permission from the Service Head, make any communication to a newspaper or other journal in which there is any indication that s/he is an employee or otherwise connected with the Council.
- 8.5.4 Employees acting in either a personal capacity or as spokespersons for outside groups should not bring the Council into disrepute by publicising material adverse to the Council or other employees. This is not intended to preclude Trades Unions from pursuing their legitimate industrial relations activities.
- 8.5.5 Employees who are broadcasting on a subject connected with the work of the Council shall be required to obtain permission from their Service Head in advance and to submit where possible a copy of the script of the broadcast or otherwise advise on general subject matter. Any fee received should be paid into the Council's funds.
- 8.5.6 Employees who are asked to give lectures either in their own or Council's time on a subject connected with the work of the Council should seek approval in advance from their Service Head. Any fees received by employees acting in their official capacity should be paid into the Council's funds.
- 8.5.7 Employees who are asked to give lectures during the Council's normal working hours which are not connected with their official duties will be expected to take leave. Any necessary preparation work for such lectures will be done outside the Council's normal working hours.

## **8.6 Access to Council Facilities**

- 8.6.1 Employees who have access to or control of Council facilities (especially where the use of such facilities is discretionary) shall not abuse their position by applying criteria different from the normal criteria for the use of such facilities to themselves or others to whom they are related or known through personal contact.
- 8.6.2 Decisions on the use of facilities in such circumstances must be made by a more senior officer (of at least Section Head level) or Member where appropriate.

## **8.7 Public Office**

- 8.7.1 The Council grants special leave to employees to enable them to take up positions of public office, both elected (eg Member of a local authority) and non-elected (eg Justice of the Peace), subject to the Service Head being satisfied that the leave is given without detriment to the Council's services.
- 8.7.2 Employees who are seeking public office in any of these categories should inform their Service Head in advance in order that the service implications and time off requirement can be considered by the Service Head and Management Board. The holding of such office must be declared to the Chief Executive.
- 8.7.3 Employees should be aware of the possibilities of the conflicts of loyalty between being a Member of one authority and an employee of another. The two roles must be kept clearly distinct, and confidential information obtained in one position should not be used to gain advantage in the other. Employees who are involved in local politics or community matters which affect the Council should give careful consideration to their position and its effects on their relationship with Members, other employees, Trade Unions and the public.

8.7.4 None of the above is intended to discourage employees from standing for or undertaking public office. The arrangements for them carrying out such office must always be consistent with the Council's legitimate interests and in the case of employees seeking election to another Council, must be consistent with the provisions of the Local Government and Housing Act 1989.

#### 8.8 Local Government and Housing Act 1989

8.8.1 The above Act prevents the holders of certain Local Authority posts (commonly known as P.O.R.P.S. - i.e. Politically Restricted Posts) from the following political activities:

- holding a political office (eg Councillor, MP, MEP) However, persons already holding such office will be able to serve the current term of office but not seek re-election;
- holding office in a political organisation;
- canvassing on behalf of a candidate or prospective candidate;
- speaking or writing on political matters other than in the course of their employment.

8.8.2 The restrictions apply to the following Politically Restricted Posts:

- Head of the Paid Service; Monitoring Officer; Statutory and non-Statutory Chief Officers and their deputies; and assistants to political groups;
- posts whose full-time (or equivalent) annual rate of remuneration (inclusive of basic pay, overtime and other regular payments and acting-up allowances, but excluding regional weighting allowances) is equivalent to Spinal Column Point 44 or above;
- posts where duties include giving advice on a regular basis to Council or any Committee or Sub-Committee;
- posts where duties include speaking on behalf of the Authority to journalists or broadcasters on a regular basis.

8.8.3 Any queries in respect of these provisions should be directed to the Chief Executive and/or the Human Resources Service.

March 2013