

COTHERSTONE PARISH COUNCIL

Governance

Author Clerk
Meeting date 12 February 2020

Review of policies and registers

1. Disciplinary and Grievance policies

The Parish Council's Disciplinary Policy and Grievance Policy, last reviewed in September 2018, are at Appendix 1. In November 2019 the National Association of Local Councils revised its guidance and model policy.

The Clerk has marked up the last reviewed policy (with **inserted text in blue** and ~~text to be removed scored through~~) to align with the latest model policy.

2. Delegation Scheme

The Parish Council's Delegation Scheme, last reviewed in May 2018, is at Appendix 2. The Clerk has marked up the last reviewed policy (with **inserted text in blue** and ~~text to be removed scored through~~) with a few very minor suggested amendments.

3. Equality Policy

The Parish Council's Delegation Scheme, last reviewed in September 2018, is at Appendix 3. The Clerk considered that no revisions are necessary.

Recommendation

Councillors review the Disciplinary and Grievance Policies, the Scheme of Delegation and the Equality Policy and approve any revisions necessary.

Appendix 1: Disciplinary and Grievance Policies

COTHERSTONE PARISH COUNCIL

Disciplinary Policy

Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice¹. It also takes account of the ACAS guide on discipline and grievances at work². The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - [Informal coaching and supervision will be considered, where appropriate, to improve conduct and/or attendance](#)
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. [Further information is published by ACAS as 'Performance Management'](#).
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - [employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing](#)
 - employees may be accompanied or represented by a [companion](#) — a workplace colleague, a trade union representative or a trade union official — at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
 - the Council will give employees reasonable notice of any meetings in this procedure. The employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submission
 - if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date [unless it is unreasonable not to propose a later date](#)
 - any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
 - information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation

¹ Code of Practice on Disciplinary and Grievance Procedures, The Stationery office, March 2015

² Discipline and grievances at work, The ACAS Guide, 2017

- [audio or video](#) recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed [by all affected parties](#) as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary action. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include ~~an oral warning~~, a written warning, final written warning or dismissal
- [this procedure may be implemented at any stage if the employee's alleged misconduct warrants this](#)
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the ~~Council's~~ [and the employee's consent of affected parties](#).

Examples of misconduct

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct; [the list is not exhaustive](#):
- unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct; [the list is not exhaustive](#):
- bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of [council policies and procedures](#), eg. [health and safety rules policy](#), [Equality and Diversity policy](#), [Data Protection Policy](#) and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

- 6 [If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension](#)

does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.

- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.
- 8 The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

- 9 The following list contains some examples of unsatisfactory work performance; the list is not exhaustive:
 - inadequate application of management instructions/office procedures
 - inadequate IT skills
 - unsatisfactory management of staff
 - unsatisfactory communication skills.

The Procedure

- 10 **Preliminary enquiries.** The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.
- 11 **Informal procedures.** Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The information discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalize the discussions and invite the employee to a first stage disciplinary hearing.

DISCIPLINARY INVESTIGATION

- 12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council's Personnel/employment matters working group will appoint an Investigator who will be responsible for undertaking the investigation—a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the Personnel/employment matters working group considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Personnel/employment matters working group will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify: deal with the following:
 - the allegations or events that the investigation is required to examine
 - what the investigation is required to examine
 - whether a recommendation is required
 - how the findings should be presented, for example, an investigator will often be required to present the findings in the form of a report

- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 14 The Investigator will be asked to submit a report within 20 working days of appointment [where possible](#). In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary, and the Council may decide to commence disciplinary proceedings at the next stage — the disciplinary meeting (see paragraph 22).
 - 15 The Personnel/employment matters working group will ~~first~~ notify the employee in writing of the alleged misconduct [and details of the person undertaking the investigation](#). ~~The employee may be asked to meet an investigator as part of the disciplinary investigation. and ask him/her to attend a meeting with the investigator.~~ The employee will be given ~~at least five working days'~~ [sufficient](#) notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee ~~should~~ [will](#) be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
 - 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
 - 17 If there are other persons (eg employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
 - 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Personnel/employment matters working group whether or not disciplinary action should be ~~taken~~ [considered under the policy](#).
 - 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and there should be action under the Council's disciplinary procedure.
 - 20 The Investigator will submit the report to the Personnel/employment matters working group which will decide whether further action will be taken.
 - 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

THE DISCIPLINARY MEETING

- 22 If the Personnel/employment matters working group decides that there is a case to answer, it will appoint a sub-committee of three councillors [to formally hear the allegations](#). The sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
- 23 No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
 - the names of its Chairman and other two members

- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the ~~investigation report, all the supporting evidence~~ **the information provided to the sub-committee which may include the investigation report, supporting evidence** and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing ~~(at least 15 working days)~~ so that he/she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least ~~five~~ **two** working days before the meeting
- ~~that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing~~
- that the employee may be accompanied by a companion — a workplace colleague, a trade union representative or a trade union official

The **purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective.** It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee **and explain the arrangements for the hearing**
- ~~the Investigator will present the findings of the investigation report~~
- the Chairman will set out the **allegations and invite the investigator to present the findings of the investigation report (if there has been a previous investigation)** ~~Council's case and present supporting evidence (including any witnesses)~~
- **the Chairman will invite the employee to present their account**
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses **and/or witness statements**)
- any member of the sub-committee and the employee (or the companion) may question the investigator and any witness
- the employee (or the companion) will have the opportunity to sum up ~~his/her case~~

- 24 The Chairman will provide the employee with the Personnel/employment matters working group's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

DISCIPLINARY ACTION

- 26 If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (eg. 12 months).

Oral warning

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- of the reason for the warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- of the right to appeal
- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

Written warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
 - that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (eg. 12 months). 18 months.

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

- 27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal.

THE APPEAL

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
- 29 The grounds for appeal include;
- a failure by the Council to follow its disciplinary policy
 - the sub-committee's **disciplinary** decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.
- 30 **Where possible**, the Appeal will be heard by a panel of three members of the Personnel/employment matters working group who have not previously been involved in the case (this includes the Investigator). If there are insufficient members of the Personnel/employment matters working group who have not previously been involved, the appeal panel will be a committee of three members of the Council who may include members of the Personnel/employment matters working group. The appeal panel will appoint a Chairman from one of its members.
- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion — a workplace colleague, a trade union representative or a trade union official.
- 32 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the **disciplinary** decision ~~of the staffing sub-committee~~
 - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, **usually** within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the **disciplinary** decision ~~of the staffing committee~~, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

COTHERSTONE PARISH COUNCIL

Grievance Policy

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice³. It also takes account of the ACAS guide on discipline and grievances at work⁴. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a [companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance.](#) The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date [unless it is unreasonable not to propose a later date](#)
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation
 - [audio and video](#) recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed [by all affected parties](#) as a reasonable adjustment that takes account of an employee's medical condition
 - if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
 - if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
 - the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the ~~Council's and the employee's consent~~ [consent of affected parties](#)
 - [Employees can use all stages of the grievance procedures if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure \(paragraph 4\) to deal with all grievance issues, including a complaint about](#)

³ Code of Practice on Disciplinary and Grievance Procedures, The Stationery office, March 2015

⁴ Discipline and grievances at work, The Acas Guide, 2017

a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the Monitoring Office of Durham County Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)

- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime.

INFORMAL GRIEVANCE PROCEDURE

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the Personnel/employment matters working group or, if appropriate, another member of the Personnel/employment matters working group. **If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.**

FORMAL GRIEVANCE PROCEDURE

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

Investigation

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

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification ~~sub-committee's letter~~ will include the following:
- the names of its Chairman and other members
 - ~~a summary of the employee's grievance based on his/her written submission~~
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible ~~at least five working days~~ before the meeting
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice ~~at least five working days before the meeting~~
 - findings of the investigation ~~is there has been an investigation~~
 - An invitation for the employee to request any adjustments to be made for the hearing (eg where a person has a health condition).

The grievance meeting

10. At the grievance meeting:
- the Chairman will introduce the members of the sub-committee to the employee
 - the employee (or companion) will set out the grievance and present the evidence
 - the Chairman will ask the employee questions about the information presented and will want to understand what action he/she wants the Council to take
 - any member of the sub-committee and the employee (or the companion) may question any witness
 - the employee (or companion) will have the opportunity to sum up the case
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Personnel/employment matters working group. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, eg:
- a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the Personnel/employment matters working group who have not previously been involved in the case. If there are insufficient members of the Personnel/employment matters working group who have not previously been involved, the

appeal panel will be a committee of three Council members who may include members of the Personnel/employment matters working group. The appeal panel will appoint a Chairman from one of its members.

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

Appendix 2: Delegation Scheme

COTHERSTONE PARISH COUNCIL Delegation Scheme

1. Introduction

- a) Cotherstone Parish Council has 7 members and meets on a monthly basis ('the monthly meeting') (apart from in August and December when no meeting is held).
- b) The monthly meeting deals with all planning applications (subject to submission deadline constraints – see Planning [Applications](#) Policy) and finance and accounts.

2. Delegated powers

- a) All decisions as discussed at the monthly meeting will be recorded as **"RESOLVED"**.
- b) All decisions as discussed at Committee meetings will be recorded as **'RECOMMENDATIONS'** and reported to the next full Council meeting.
- c) All planning applications will be discussed by the full Council at their monthly meeting or in accordance with the agreed Planning [Applications](#) Policy.
- d) Members will be notified by the Clerk of each planning application as received by Durham County Council, but it will be each member's individual responsibility to consider the details of each application by accessing it online.
- e) The Parish Council will have due regard to the Planning Framework and all material considerations when making appropriate comments and recommendations to the Local Planning Authority.
- f) The Parish Council shall make such observations and comments as it sees fit to the Local Planning Authority in respect of planning development control enforcement matters.

3. Personnel/employment matters working group

- a) Membership shall comprise three members, comprising the Chair and Vice-Chair and one other member.
- b) The Chair of the personnel/employment matters working group shall be elected by its members and at whatever frequency the member decide.
- c) The purpose of the personnel/employment matters working group is:
 - i. To agree contracts of employment, job descriptions and person specifications for staff.
 - ii. To review staff salaries and terms and conditions of all staff and make recommendations to the Council.
 - iii. To review personnel policy and make recommendations to Council.
 - iv. To review the Health and safety at work for all Council employees.
 - v. To arrange for the annual appraisal of all employees

4. Responsibilities delegated to the Parish Clerk

Proper officer

The Parish Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

General matters

The Parish Clerk is authorised:-

- a) to sign on behalf of the Council any document necessary to give effect to any decision of the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council
- b) To institute and appear in any legal proceedings authorised by the Council
- c) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of Cotherstone.
- d) To act in the management of open spaces and amenity areas
- e) To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

Financial matters

The Parish Clerk is authorised as follows:

- a) To incur expenditure up to a maximum of £100 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Standing Orders and Financial Regulations.
- b) To accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - the cost not exceeding the amount of the approved estimate;
 - the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation;
 - All the requirements of the Council's Financial Regulations being complied with.
- c) To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

Cemetery matters

The Parish Clerk is given delegated powers to carry out all duties appertaining to burial and including:

- a) Authorising grants of grave spaces (in accordance with the cemetery regulations)
- b) Authorising the erection of memorials/headstones in accordance with memorial regulations

Urgency

- a) The Parish Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.
- b) Any such action is to be reported to the next meeting of the Council
- c) The Chairman and Vice-Chairman are to be consulted before such action is taken.

COTHERSTONE PARISH COUNCIL

Equality Policy

Introduction

The aim of this policy is to communicate the commitment of Cotherstone Parish Council, its members and any employees, to meeting the Public Sector Equality Duty which came into force on 5 April 2011. The duty applies to public bodies and others carrying out public functions. It supports good decision making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies, representation and services, which are efficient and effective, accessible to all and which meet different people's needs.

Cotherstone Parish Council recognises and values people's differences and will assist them to use their talents to reach their full potential.

The organisation will do all it can to ensure it recruits, trains and promotes people based on qualifications, experience and abilities for all roles within the organisation.

Scope of the policy

This policy applies to all staff, councillors and members of the public in their dealings with Cotherstone Parish Council business.

The policy applies to all stages of employment including recruitment and selection, promotion and training.

Policy statement

Cotherstone Parish Council is unreservedly opposed to any form of discrimination on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (defined as Protected Characteristics). All councillors, employees and members of the public will be treated fairly and will not be discriminated against on any of the above grounds. All decisions will be made objectively and without unlawful discrimination.

The Parish Council aims to create a culture that respects and values each others' differences, that promotes dignity, equality and diversity. It aims to remove barriers, bias or discrimination that prevents individuals or groups from realising their potential and contributing fully to the community to develop a culture that positively values diversity

Equality commitments

The Parish Council will:

- Promote equality of opportunity for all persons
- Promote a good and harmonious environment in which all persons are treated with respect
- Prevent occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation
- Fulfil its legal obligations under equality legislation and associated codes of practice
- Take lawful affirmative and positive action where appropriate
- Using fair and objective employment practices, the organisation will ensure that:
 - All staff (paid and voluntary) and potential employees are treated fairly and with respect at all stages of their employment.
 - All staff, councillors and members of the public have the right to be free from harassment and bullying of any description, or any other form of unwanted behaviour. Such behaviour may come from other staff, councillors or by people (members of the public) who are not employees of the Parish Council

- All staff (paid and voluntary) have an equal chance to contribute and to achieve their potential, irrespective of any defining feature that may give rise to unfair discrimination.
- All staff (paid and voluntary) have the right to be free from discrimination because they associate with another person who possesses a Protected Characteristic or because others perceive that they have a particular Protected Characteristic, even if they do not.

Responsibilities

It is the responsibility of the clerk to the Parish Council to develop and lead the implementation of the equality and diversity policy.

Responsibility for approving the policy and monitoring that it is being followed rests with the Parish Council.

Staff and volunteers (including councillors) of the Parish Council have a duty to act within this policy, ensure it is followed and to draw attention to any suspected discriminatory acts or practices.

Implementation of the policy

Staff and volunteers (including councillors) of the Parish Council will be involved in creating an equality environment and one that values diversity.

Communication of the policy to job applicants and existing staff and volunteers (including councillors) of the Parish Council will be through the council's website and included in job application packs.

In selecting the partners we work with, Cotherstone Parish Council will consider their commitment to Equality and Diversity.

Reporting discrimination or potential discrimination

All staff (paid and volunteers), councillors and members of the public who feel that they have suffered any form of discrimination should raise the issue through the clerk to the Parish Council. Where this is inappropriate / unavailable, they can raise the issue through the chairman of the Parish Council or Chairman of the personnel working group of the Parish Council.

All staff (paid and volunteers), councillors and members of the public should also use this approach if they feel that they been the subject of harassment from someone who is not an employee of the Parish Council, while carrying out their parish council role.

The Parish Council will not tolerate any harassment from third parties towards its staff (paid and volunteers), councillors and members of the public and will take appropriate action to prevent it happening again.

If a member staff (paid or volunteer), councillor or member of the public witnesses behaviour that they find offensive in relation to age, marriage or civil partnership, pregnancy and maternity, disability, gender reassignment, race, religion or belief, sex and sexual orientation, even if it is not directed at them, they should also use this procedure.

Monitoring and review

This policy will be monitored to judge to what extent it is working and identify areas for improvement.

Monitoring will relate to both staff (paid and volunteers), councillors and members of the public. This policy will be reviewed every year by the Parish Council to ensure that it remains up to date and reflects the needs and practices of the organisation.

The policy will also be reviewed if legislation changes or if monitoring information suggests that policy or practices should be altered.