



## Radcliffe on Trent Parish Council

The Grange, Vicarage Lane, Radcliffe-on-Trent, Nottingham NG12 2FB

Tel: 0115 933 5808, Email: clerk@rotpc.com, Web: www.rotpc.com

Thursday, 10 August 2023

You are hereby invited to attend a meeting of the **Personnel and Wages Sub-Committee** which will be held on **Monday 14 August 2023** commencing at **19.00** in the Radcliffe Room, **The Grange, Vicarage Lane, Radcliffe-on-Trent, Nottingham NG12 2FB.**

In the interests of transparency, the council asks that any person wishing to record the meetings proceedings informs the Chairman prior to the start of the meeting and that recording equipment is on view.

Belina Boyer  
Parish Clerk/RFO

Committee Members: Cllr O Bere (chair), Cllr S Clegg, Cllr A McLeod, Cllr P Thomas, Cllr M Douglas-Kirk

Agenda no	Agenda Item title	Power/Regulation
P&W24/026	To note apologies for absence.	Local Government Act 1972, s85 (1) & Sch 12, p40.
P&W24/027	To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.	Localism Act 2011, s31.
P&W24/028	To consider any dispensation requests received by the Parish Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.	Localism Act 2011, s33.
P&W24/029	To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.	Public Bodies (Admissions to Meetings) Act 1960 1 (2)
P&W24/030	To <b>note</b> a verbal update by the clerk.	

Agenda no	Agenda Item title	Power/Regulation
P&W24/031	To receive the minutes of the previous Radcliffe-on-Trent Personnel and Wages Committee meeting(s) and resolve to sign these as a true record of the meeting(s). <b>Paper A</b> – Personnel and Wages Sub-Committee meeting 10 July 2023	Local Government Act 1972, Sch 12, p41 (1).
P&W24/032	To <b>consider</b> the recent recruitment process and approve further action.. <b>Paper B.</b> <b>Exclusion of Public and press recommended due to the personal nature of the items under discussion.</b>	Local Government Act 1972, s. 112
P&W24/033	To <b>consider</b> the creation of an additional part time grounds maintenance post. <b>Paper C</b> <b>Exclusion of Public and press recommended due to the personal nature of the items under discussion.</b>	Local Government Act 1972, s. 112
P&W24/034	To <b>consider</b> alterations to the Terms of Reference for this sub-committee for recommendation to Full Council for approval. <b>Paper D.</b>	
P&W24/035	To receive and <b>consider</b> an update by the chair of Personnel and Wages on the Clerk's intermediary probationary review meeting (3 months). <b>Exclusion of Public and press recommended due to the personal nature of the items under discussion</b>	Local Government Act 1972, s. 112
P&W24/036	To <b>consider</b> draft policies for recommendation to Full Council. <ul style="list-style-type: none"> <li>• Dignity at Work</li> <li>• Councillor-Officer Protocol</li> </ul> <b>Paper E</b>	
P&W24/037	To receive a verbal update on staff requirements for the village show.	
P&W24/038	To <b>receive</b> any items for notification to be included on a future agenda – for information only	
P&W24/039	To <b>agree</b> the date and time of the next Personnel and Wages Sub-Committee meeting.	Local Government Act 1972, Sch 12, p10 (2)(a)

# PAPER A



## Radcliffe on Trent Parish Council

The Grange, Vicarage Lane, Radcliffe-on-Trent, Nottingham NG12 2FB

Tel: 0115 933 5808, Email: clerk@rotpc.com, Web: www.rotpc.com

# **DRAFT** Minutes of the Personnel and Wages Sub-Committee meeting held on 10<sup>th</sup> July 2023 at 7.00pm in the Radcliffe Room, The Grange Radcliffe on Trent

Members Present:

Cllr O Bere (Chair)	Cllr S Clegg	Cllr Anne McLeod
Cllr P Thomas		

Members Absent:

Cllr M Douglas Kirk		
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In attendance:-

Belina Boyer (Parish Clerk)		
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Agenda No	Agenda Item	Resolution	Action	Power/Regulation
P&W24/013	To note apologies for absence.	The committee noted apologies for absence from Cllr Douglas-Kirk.		Local Government Act 1972, s85 (1) & Sch 12, p40.
P&W24/014	To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.	There were none		Localism Act 2011, s31.
P&W24/015	To consider any dispensation requests received by the Parish	There were none.		Localism Act 2011, s33.

Agenda No	Agenda Item	Resolution	Action	Power/Regulation
	Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.			
P&W24/016	To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.	The committee <b>resolved</b> to exclude Public and press for items P&W24/019 to P&W24/023 due to the personal nature of the items under discussion.		Public Bodies (Admissions to Meetings) Act 1960 1 (2)
P&W24/017	To <b>note</b> a verbal update by the clerk.	The committee <b>noted</b> a verbal update by the clerk and requested for appraisals to be timetabled as soon as possible.	<b>Clerk</b> to timetable appraisals.	
P&W24/018	To receive the minutes of the previous Radcliffe-on-Trent Personnel and Wages Committee meeting(s) and resolve to sign these as a true record of the meeting(s). <b>Paper A</b> – Personnel and Wages Sub-Committee meeting 14 June 2023	The committee <b>resolved</b> to sign minutes of the Personnel and Wages Sub-Committee meeting 14 June 2023 as a true record of that meeting.	<b>Clerk</b> to add recommendations to F&GP agenda...	Local Government Act 1972, Sch 12, p41 (1).
P&W24/019	To <b>note</b> the resignation by a member of staff. . <b>Paper B.</b>	The committee <b>noted</b> the resignation of a member of staff and the reasons given.	.	Local Government Act 1972, s. 112

Agenda No	Agenda Item	Resolution	Action	Power/Regulation
	<p><b>Exclusion of Public and press recommended due to the personal nature of the items under discussion.</b></p>			
P&W24/020	<p>To <b>consider</b> a recruitment pack for a vacant position and <b>agree a recruitment timetable.</b></p> <p><b>Paper C.</b></p> <p><b>Exclusion of Public and press recommended due to the personal nature of the items under discussion.</b></p>	<p>The committee considered a new format recruitment pack and a person specification with a few minor changes to the draft presented.</p> <p>The committee resolved to recommend to F&amp;GP increase weekly hours for the third caretaker post to 16 if required to fill the post and release any additional funds from general reserves if the additional expenditure cannot otherwise be covered within the current budget.</p>	<p><b>Clerk</b> to advertise post and oversee recruitment process in collaboration with hall manager.</p> <p><b>Clerk</b> to add recommendations to F&amp;GP agenda...</p>	Local Government Act 1972, s. 112
P&W24/021	<p>To <b>consider</b> approving mandatory and further training and professional development for all staff.</p> <p><b>Paper D.</b></p> <p><b>Exclusion of Public and press recommended due to the personal nature of the items under discussion</b></p>	<p>The committee resolved to approve the training and professional development as presented.</p>	<p><b>Clerk</b> to add arrange training.</p>	

Agenda No	Agenda Item	Resolution	Action	Power/Regulation
P&W24/022	<p>To <b>consider</b> and approve key priorities for the Clerk to action in the short term (to follow)</p> <p><b>Exclusion of Public and press recommended due to the personal nature of the items under discussion</b></p>	<p>The committee <b>noted</b> the priorities identified at an informal meeting of committee chairs. The following key priorities had been identified:</p> <p>Village Show and Christmas Fayre  Terms of Reference  Bins and waste contracts  Temporary toilets for Recreation Ground  Staff Training  Risk Assessments  Fountain Restoration  Grange Wall  Cliff walk vegetation.  Instructing contractor undertake minor jobs..</p>	<p>Clerk to instruct contractor to install benches, history board, sand and repair village benches, repair and paint Rockley park toilet, repair hand rails. After the holidays sealant on gazebo floor and skate park as well as ongoing seasonal jobs such as hedge cutting.</p>	<p>Local Government Act 1972, s. 112</p>
P&W24/023	<p>To consider The date and time for the Clerk's intermediary probationary review meeting (3 months). <b>Paper F</b></p> <p><b>Exclusion of Public and press recommended due to the personal nature of the items under discussion</b></p>	<p>A date of 07 August was agreed for the Clerk's intermediary probationary review meeting (3 months). Following this meeting appraisals would be arranged for all other staff.</p> <p>The committee recommended to F&amp;GP to allow appraisals to be conducted within paid overtime at a rate of up to two hours per</p>	<p>Clerk to send out appraisal forms and guidance.</p> <p>Clerk to add to agenda for F&amp;GP.</p>	<p>Local Government Act 1972, s. 112</p>

Agenda No	Agenda Item	Resolution	Action	Power/Regulation
		appraisee if it cannot otherwise be accommodated within the working week..		
P&W24/024	To <b>receive</b> any items for notification to be included on a future agenda – for information only	<ul style="list-style-type: none"> <li>• Re-evaluation of administrator post</li> <li>• Appointment of a current volunteer on contract</li> <li>• Village Show</li> <li>• Organisational review</li> </ul>		
P&W24/025	To <b>agree</b> the date and time of the next Personnel and Wages Sub-Committee meeting.	The committee <b>agreed</b> Monday 14 August at 19.00 for the next meeting.		Local Government Act 1972, Sch 12, p10 (2)(a)

Signed as a true record of the Meeting: \_\_\_\_\_ Dated \_\_\_\_\_

Presiding chair of approving meeting



# PAPER D

**Radcliffe on Trent Parish Council**  
**Personnel & Wages Committee – Terms of Reference**

**Establishment:**

The Personnel & Wages Committee is appointed by and solely responsible to the Finance and General Purposes Committee. The Sub Committee's duties and powers are defined and agreed by Full Council who may vote, at any time, to modify the Committee's responsibilities. **Membership:**

The group shall be considered quorate if three members are in attendance. Membership will be The Chair and the Vice Chair of the Parish Council and the Chairs of all four Standing Committees. (In the event that a Committee Chair is unable to attend, the Vice Chair of that committee may take their place at the meeting.

**Chairing:**

The role of Chair shall be undertaken by the Vice Chair of the Parish Council.

**Frequency of meetings:**

The Committee meets four times per annum and on an ad hoc basis if required.

**Record of meetings:**

Where appropriate, the meetings are of a private and confidential nature and therefore the minutes of the meeting are not made available to the general public. Likewise due to the nature of the issues discussed it is not always possible or necessary to give three clear days notice to members.

Public Bodies (Admission to Meetings) Act 1960: Local Authority meetings are open to the public, unless it is resolved at the meeting to exclude public and press for specific reasons, such as discussing personnel matters. Apologies for absence, for instance, would not normally justify exclusion of public and press, nor would Not next meeting date. Minutes are a public record.

**Sub Committee Procedures:**

This sub-committee may be convened without any public notice being given and the public have no statutory right to attend this sub-committee meetings or report its proceedings. See above.

**Reporting mechanism:**

The Personnel Committee will report to the Finance and General Purposes Committee both orally and with written reports. Where appropriate the reports will be provided in closed session, having excluded the Press and Public in accordance with the current standing orders.

**Purpose:**

To arrange for the appointment of the Proper Officer and additional staff in accordance with Local Government Act 1972 s112 and make recommendations to the Finance and

General Purposes Committee in this respect. **Appointment of Proper Officer should be by full Council.**

- To investigate and make recommendations to F&GP on all matters relating to the above appointments or grievances, disciplinarys and dismissals.
- To make recommendations to the F & GP Committee (where appropriate) and regarding any decisions affecting the remuneration, continuous professional development and terms and conditions of service of employees.
- To undertake annual performance appraisals of the Clerk to the Council.
- To discharge the Council's functions under Section 112 of the Local Government Act 1972, including:
  - (a) determining the terms and conditions on which staff hold office;
  - (b) advising the F & GP Committee on the requirements for, and the availability of, human resources necessary for the fulfilment of the Council's policies,
  - (c) the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures.
- To determine the level of compensation to be paid in individual cases of voluntary redundancy and early retirement and other personnel matters where appropriate.
- Where appropriate, to convene an Investigatory Committee to examine matters relating to the conduct or capability of the Clerk to the Council.

**Alternative:**

### **Delegated roles and functions**

- Consider matters relating to personnel, Human Resources (including Members) and volunteers.
- Consider and review all personnel and volunteer policies.
- Oversee the job recruitment process with the power to appoint personnel.
- Recommend
- Recommend to the Finance and General Purposes Committee a staffing budget as part of the annual budget creation process.
- Manage any process leading to dismissal or redundancy of staff.
- Review performance management (including annual appraisals, target setting) and consider matters relating to training (including Member and Volunteer training) and staff Continuous Professional Development.
- Determine matters relating to staff pay, which includes increment increases and appeals within the approved staffing budget and make recommendations to F+GP if exceeding the budgetary provision for that financial year..
- Monitor staff absence and manage any issues arising.
- Keep under review staff working conditions, including health and safety procedures.
- Consider grievance or disciplinary matters.
- Ensure the Council complies with all legislative requirements relating to volunteers and the employment of staff.

**Authority:**

Meetings with regard to engagement, terms of service, conduct or dismissal of employees are confidential business and as such closed to the public.

All decisions made by the Personnel Committee are to be ratified by the Finance and General Purposes Committee, if necessary an Extraordinary meeting to be convened.

In the event of a disciplinary matter or grievance progressing to appeal, a panel of different members established on an annual basis will hear the appeal and make a recommendation to the F &GP Committee.

**Points to consider**

- Should Personnel Committee come under F+GP or be a stand alone committee under Full Council with clearly defined delegated powers? The second paragraph and membership seems to indicate the latter.
- How many members should the committee have? It needs to be born in mind, that some decisions might be appealed and then different members would need to be appointed to the committee, this could prove very difficult if too many members to start with.
- Do they have to be the chair of committees or would it make more sense to appoint on knowledge and experience?
- Who appoints the members if not automatic by being chair of committee?
- Can members of the council act as advisory members without voting rights?
- Should it have the power to appoint all staff, including Clerk/RFO or should this remain with Full Council?

# Personnel Committee Terms of Reference

## Power to decide

- Committee with delegated power to appoint all staff except for the Clerk/RFO.
- Budgetary control and power to spend within agreed budget up to £10,000.

## Committee membership and quorum

- The Chair and the Vice Chair of the Parish Council and the Chairs of all four other Standing Committees. (In the event that a Committee Chair is unable to attend, the Vice Chair of that committee may take their place at the meeting..
- .
- The Chair and Vice Chair shall be appointed by the Full Council at its Annual Meeting.
- The quorum of the meeting shall be three.
- It is expected that Members of the Committee will undertake training within three months of being appointed. Committee members must keep up to date with employment legislation and best practice.

## Meeting frequency

- The committee shall meet at least four times a year, but may need to meet more often as required.

## Principle meeting officer

- Clerk/RFO

## Budgetary matters

- The Committee has limited role in relation to direct expenditure but has a large role to play in recommending and monitoring staffing budgets.

## Delegated roles and functions

- Consider matters relating to personnel, Human Resources (including Members) and volunteers.
- Consider and review all personnel and volunteer policies.
- Oversee the job recruitment process with the power to appoint personnel (except in the case of a reserved matter).
- Recommend to the Finance and Strategy Committee a staffing budget as part of the annual budget creation process.
- Manage any process leading to dismissal or redundancy of staff.
- Review performance management (including annual appraisals, target setting) and consider matters relating to training (including Member and Volunteer training) and staff Continuous Professional Development.

## SAMPLE

- Determine matters relating to staff pay, which includes increment increases and appeals.
- Monitor staff absence and manage any issues arising.
- Keep under review staff working conditions, including health and safety procedures.
- Consider grievance or disciplinary matters.
- Nominate a Member or Members of the Personnel Committee to seek HR advice in conjunction with the Leader of the Council directly from the HR advisors when any matter concerns the Town Clerk or Deputy Clerk.
- Ensure the Council complies with all legislative requirements relating to volunteers and the employment of staff.

# PAPER E

# DIGNITY AT WORK POLICY

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**Radcliffe on Trent Parish Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.**

## **Purpose**

Radcliffe on Trent Parish Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

~~[Optional — for Councils who have committed to the pledge]~~ In support of this objective, Radcliffe on Trent Parish Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

We recognize that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

## **Scope**

This policy covers bullying and harassment of and by clerks and all employees engaged to work at Radcliffe on Trent Parish Council. Should agency staff, or contractors have a complaint connected to their engagement with Radcliffe on Trent Parish Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the **deputy chair or the council's personnel committee**.



Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

### **The position on bullying and harassment**

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Radcliffe on Trent Parish Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person

raising the complaint may be subject to action under the council's disciplinary procedure.

## Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

## Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

### **What Type of Treatment amounts to Bullying or Harassment?**

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling

- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic ( such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). **See the council's equality and diversity Policy.**

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

## **Victimisation**

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or

given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## Reporting Concerns

### **What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

**What you should do if you feel you are being bullied or harassed by a councillor:** If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

## **What you should do if you are being bullied or harassed by another**

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

### Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

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

### Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure.

You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

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

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

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

**The use of the Disciplinary Procedure**

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

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

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**GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Council's that have not signed up to this are requested to

consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

### **Notes:**

#### **Protected Characteristics**

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

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

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.



- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant persons stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal

### **Legal risks**

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

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

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

## **Culture and behaviour**

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

## **Scope**

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

## **Managers**

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

## **Bullying and harassment & performance management**

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

## **Responsibilities**

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

## **During the investigation**

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

### **Confidentiality**

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and

compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

### **Victimisation**

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

### **False allegations**

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

### **Complaints against Councillors**

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

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.



# COUNCILLOR-OFFICER PROTOCOL

## INTRODUCTION

The purpose of this Protocol is to guide councillors and officers of the council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between councillors and officers as they work together. Employees who are required to give advice to councillors are referred to as "officers" throughout.

A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council.

This Protocol also seeks to reflect the principles underlying the Code of Conduct which applies to councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain the integrity (real and perceived) of local government.

The following extract from the Local Government Association guidance on the 2020 Model councillor Code of Conduct states that:

*"Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.*

*At the heart of this relationship, is the importance of mutual respect. councillor officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.*

*Chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or compromise their position with other councillors or other officers.*

*Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework*

*agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.*

*The roles are very different but need to work in a complementary way.*

*It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships."This Protocol covers:*

- The respective roles and responsibilities of the councillors and the officer;
- Relationships between councillors and officers;
- Where/who a councillor or an officer should go to if they have concerns;
- Who is responsible for making decisions.

## **BACKGROUND**

This Protocol is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the council is significantly influenced by the effectiveness of councillors and the officer working together to support each other's roles.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between councillors and officers is not recommended as it has the potential to damage this relationship

## **ROLES OF COUNCILLORS AND OFFICERS**

The respective roles of councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

### **Councillors**

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;



- To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and • To act as advocates for their constituents.

All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the council. This is the officer's responsibility, and the officer will be acting on instructions from the council or its committees, within an agreed job description.

In line with the councillors' Code of Conduct, a councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the council.

Officers can expect councillors:

- to give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- not to request officers to exercise discretion which involves acting outside the council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
- not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council.

- respect the impartiality of officers and do not undermine their role in carrying out their duties
- do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- do not ask officers to exceed their authority where that authority is given

### Chairs and vice-chairs of council and committees

Chairs and vice-chairs have additional responsibilities as delegated by the council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

### Officers

The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the council.

Officers are responsible for day-to-day managerial and operational decisions within the council, including directing and overseeing the work of any more junior officers. Councillors should avoid inappropriate involvement in such matters.

In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

Officers must:

- implement decisions of the council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
- work in partnership with councillors in an impartial and professional manner
- treat councillors fairly and with respect, dignity and courtesy
- treat all councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions.
- respond to enquiries and complaints in accordance with the council's standards protocol

- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy at all times
- provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the council's training and development policy
- not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly
- to act within the policies, practices, processes and conventions established by the council

Officers have the right not to support councillors in any role other than that of councillor, and not to engage in actions incompatible with this Protocol.

In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

There are exceptional circumstances where a councillor can fulfil the role of officer, for example where there is a vacancy. This can only be done if the councillor is not paid for the role and should only ever be short-term while the council seeks to fill a vacancy. There will need to be a particular clear understanding of when the councillor is acting as a councillor and when acting as the Proper Officer.

### The Relationship: General

Councillors and officers are indispensable to one another. However, their responsibilities are distinct. Councillors are accountable to the public, whereas officers are accountable to the council as a whole.

At the heart of this Protocol is the importance of mutual respect and also of civility. Councillor/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

Individual councillors should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the council's collectively-determined course of action.

Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in

public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

A councillor who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times
- ensure that any criticism is well founded and constructive
- ensure that any criticism is made in private
- take up the concern with the chair

Neither should an officer raise with a councillor matters relating to the conduct or capability of another councillor or officer or to the internal management of the council in a manner that is incompatible with the objectives of this Protocol.

Potential breaches of this Protocol are considered below.

### Expectations

All councillors can expect:

- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries and complaints;
- Officer's professional and impartial advice, not influenced by political views or personal preferences;
- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;
- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.

Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;

- That councillors will at all times comply with the council's adopted Code of Conduct.

### Some general principles

Close personal relationships between councillors and officers can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular councillor or officer is getting preferential treatment.

Special relationships with particular individuals are not recommended as it can create suspicion that an employee favours that councillor above others.

The Proper Officer (usually called the Clerk) is the head of paid services and has a linemanagement responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter. Councillors should not give instructions directly to the Proper Officer's staff without the express approval of the Proper Officer.

### **COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

Councillors are free to approach officers to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of the council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Officer.

The legal rights of councillors to inspect council documents are covered partly by statute and partly by the common law.

The common law right of councillors is based on the principle that any member has a prima facie right to inspect council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore upon the councillor's ability to demonstrate that they have the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the officer.

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a councillor's "need to know" will normally be presumed. In other circumstances (e.g. a councillor wishing to inspect documents which contain personal information about third parties) a councillor will normally be expected to justify the request in specific terms. Any council information provided to a councillor must only be used by the councillor for the purpose for which it was provided i.e. in connection with the proper performance of the councillor's duties as a member of the council.

For completeness, councillors do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

## **CORRESPONDENCE**

Correspondence between an individual councillor and an officer should not normally be copied (by the officer) to any other councillor. Where exceptionally it is necessary to copy the correspondence to another councillor, this should be made clear to the original councillor. In other words, a system of "silent copies" should not be employed.

Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the foot of any e-mails if another councillor has received an e-mail by adding "CC councillor X."

Official letters or emails on behalf of the council should normally be sent out under the name of the officer, rather than under the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the council should never be sent out in the name of a councillor.

Correspondence to individual councillors from officers should not be sent or copied to complainants or other third parties if they are marked "confidential". In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the councillor in confidence only and why that is so.

## **PRESS AND MEDIA**

Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the council, explaining its objectives and policies to the electors and customers. Councils use publicity to keep the public informed and to encourage public participation. The council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the council's Media Protocol.

The officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.

Any press release that may be necessary to clarify the council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the officer.

The chair (or chair of a committee) may act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council.

The council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity.

The LGA has produced useful guidance on the Publicity Code -

<https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>

For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's Social Media Protocol where there is one in place.

### **IF THINGS GO WRONG**

#### **Procedure for officers:**

From time to time the relationship between councillors and the officer (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, it is important that the council adopts a formal grievance protocol or procedure.

The principal council's monitoring officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chair of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with all personnel matters.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Where the matter relates to a formal written complaint alleging a breach of the councillors' Code of Conduct the matter must be referred to the principal council's monitoring officer in the first instance in line with the Localism Act 2011. The council may however try to resolve any concerns raised informally before they become a formal written allegation.

#### **Procedure for councillors:**

If a councillor is dissatisfied with the conduct, behaviour or performance of the officer or another employee, the matter should be reported to the chair and then raised with the officer in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.