

COMPLAINTS POLICY & PROCEDURE

Introduction

1. The council will endeavour to deal with complaints in an efficient, equitable, and respectful manner.
2. The Council will try to keep the lines of communication open, with appropriate support for a complainant with special needs; suggesting a representative to help them present their case.
3. This policy and procedure can be used by members of the public and councillors.
4. Some types of complaint are handled outside this procedure:
 - Financial irregularity is handled by the Council's own auditor / Audit Commission.
 - Criminal activity by the Police.
 - Member conduct by the Monitoring Officer of Breckland Council.
 - Employee conduct by internal disciplinary procedure.
5. This procedure covers routine complaints and those that could be described as habitual and vexatious.
6. The Chairman or in their absence the Deputy Chairman of the council will deal with complaints unless they are directly involved with the case.
7. The Clerk should normally represent the council through the proceedings, but a nominated councillor may act as the council representative instead at the discretion of the full council.

Procedure

8. The complainant should complain in writing to the Chairman of the council.
9. After receiving a complaint, the Chairman or in their absence the Deputy Chairman of the council should contact the complainant within 10 working days in an effort to resolve the issue informally and confidentially in the first instance.
10. The Chairman or in their absence the Deputy Chairman of the council should:
 - Provide the complainant with a copy of the Complaints Policy & Procedure.
 - Listen to the grievance/complaint.
 - Assure the complainant of confidentiality with personal details.
 - Offer any relevant support about the complaint's procedure to the complainant.
 - If applicable, carefully explain what action the council has taken within its remit to resolve the complaint.
 - Suggest complaint routes available if complaint is outside the council's remit.
 - Explain what actions the council may take.
 - Explain the outcome and relevant details of any complaints meeting will be noted.

11. If the issue cannot be resolved informally, the Chairman or in their absence the Deputy Chairman of the council will nominate three councillors, who are not directly involved with the case, to form a Complaint Sub-Committee within 5 working days of this decision. This committee will appoint a Chairman and follow The Complaints Meeting procedure (see points 12 to 14).

The Complaints Meeting

12. Before the meeting:

- After their appointment, the Complaints Sub-Committee should advise the complainant within 10 working days when the matter will be considered.
- The complainant should be invited to attend a meeting with a representative if wished.
- Not later than five working days prior to the meeting, the complainant and the complaint sub-council will exchange copies of any documentation or other evidence to be relied on.

13. At the meeting:

- The Chairman of the meeting should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint before any questions from the appointed council representative (see point 7) and then from members of the Complaint Sub-Committee.
- The appointed council representative should explain the council's position before any questions from the complainant and then from members of the Complaint Sub-Committee.
- The complainant and the appointed council representative should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

14. After the meeting:

- The decision should be confirmed in writing within 5 working days together with details of any action to be taken.
- The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

Appeals

15. Should the complainant not agree with the decision they are entitled to appeal the decision within 10 working days of receipt of the result of the proceedings. They should make their appeal in writing and address it to the Chairman of the council.
16. The Chairman or in their absence the Deputy Chairman of the council will nominate three councillors to form an Appeal Sub-Committee. Councillors should not have been part of Complaints Meeting or be directly involved with the case.
17. The Appeal Sub-Committee should handle the appeal within 15 working days of receiving the appeal and examine the way in which the council dealt with the complaint.
18. If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back to the Chairman or in their absence the Deputy Chairman of the council for consideration.
19. The appellant should be notified of the result of their appeal within 5 working days of the appeal process.

Habitual and Vexatious Complaints

20. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
21. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or in their absence the Deputy Chairman of the council to ensure that the complaint has been dealt with according to the council's complaints procedure.
22. Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.
23. The council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive, or threatening.
24. Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.
25. The complainant should be warned in writing that their complaint is considered persistent and/or vexatious and be given an opportunity appropriately restate or withdraw their complaint before any further action is taken.
26. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or in their absence the Deputy Chairman of the council should seek the approval of the council to follow the policy and agree what action(s) to take, which may include restricting or refusing any further contact. In this case the following actions must take place:
 - The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
 - The council must record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act 2018.
 - The Clerk must notify all councillors and members of staff as appropriate.
 - Any new complaint from any person who has come under the policy must be treated on its merit.
 - The decision taken should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.

GRIEVANCE POLICY & PROCEDURE

Introduction

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

- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor.
- If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Breckland 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.
- 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 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 and in accordance with the code of conduct regime.

Informal Grievance Procedure

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

Formal Grievance Procedure

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

Investigation

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

Notification

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

The Grievance Meeting

10. At the grievance meeting:
- The Chairman will introduce the members of the sub-committee to the employee.
 - The employee (or companion) will set out the grievance and present the evidence.
 - The Chairman will ask the employee questions about the information presented and will want to understand what action 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.

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The Appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Personnel Committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, for example:
 - A failure by the Council to follow its Grievance Policy & Procedure.
 - The decision was not supported by the evidence.
 - The action proposed by the sub-committee was inadequate or 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 staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Personnel Committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative, or a trade union official.
16. At the appeal meeting, the Chairman will:
 - Introduce the panel members to the employee.
 - Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub- committee.
 - Explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the Personnel Committee or substitute its own decision.
20. The decision of the appeal panel is final.

DISCIPLINARY POLICY & PROCEDURE

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. 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.
 - 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 who can be 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. 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 submissions.
 - 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 (GDPR).

- 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 decision. 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 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 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 e.g. the Health and Safety Policy, Data Protection Policy, and any policies regarding the use of information technology.

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- 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 informal 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 formalise 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 Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the Personnel

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Committee 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 staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- The allegations or events that 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 written 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 their findings 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.
 15. The Personnel Committee will 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. The employee will be given 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 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 (e.g. 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 Committee whether or not disciplinary action should be 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 be 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 a formal hearing should be convened under the Council's disciplinary procedure.
 20. The Investigator will submit the report to the Personnel Committee 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 Committee 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 information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's Disciplinary Policy & Procedure.
 - The time and place for the meeting. The employee will be given reasonable notice of the hearing 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 two working days before the meeting.
 - 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 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).
 - 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 companion) will have the opportunity to sum up.
24. The Chairman will provide the employee with the sub-committee'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 further 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 period of 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 warning, 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 period of 12 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 taken as a result of the disciplinary meeting will remain in force unless 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 and procedure.
 - 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 staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the Personnel Committee. 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 who is 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.
 - 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 Personnel 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.

MEMBER OFFICER PROTOCOL

Introduction

1. The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. Given the variety of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise.
2. The protocol seeks to reflect the principles underlying the respective Codes of Conduct, which apply to Members and Officers and should read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.
3. Councillors and Officers are servants of the public. The effectiveness of the outcomes they are able to deliver for residents is dependent on a strong and constructive relationship which adheres to a set of clear principles. These principles are:
 - Mutual respect for each other's roles and responsibilities.
 - Dealings between Members and Officers should be courteous and conducted in a constructive and positive way.
 - Neither party should seek to take unfair advantage of their position or seek to exert undue influence.
 - Respecting the confidentiality of information given and received as part of Council business.
 - Concerns as to the conduct of Officers should be made to the Chairman of the Council, and of Members, to the Monitoring Officer at Breckland District Council.
4. This Protocol is mainly a written statement of current practice and convention but aims to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members. It also reflects the principle underlying the Members Code of Conduct which is to enhance and maintain the integrity (real and perceived) of local government.
5. A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing convention in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Town Clerk who will then look into the facts and report back to the Member. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Complaints Policy & Procedure and/or Disciplinary Policy and Procedure.

Officer Advice of Members

6. It must be recognised by all Officers and Members that, in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group (if applicable), combination of groups or any individual Member of the Council.
7. There is now a recognition of political groups and in some Councils, it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. This is not presently the case at Attleborough. However, should this situation arise, Officers may properly be called upon to support and contribute to such deliberations by political groups, but they must at all times maintain political neutrality. All Officers must, when dealing with political groups and individual Members, treat them in a fair and even-handed manner.

8. Support provided by Officers can take different forms, ranging from the normal briefing with a Chairman prior to a meeting to responding to telephone queries. Such support is available to all Members regardless of political affiliation and will be available to all political groups should they become formalised in the future. When support such as this is given both Members and Officers should understand that it must not extend beyond providing information and advice in relation to matters of Council business; Officers should not be involved in advising on matters of party business.
9. Whilst any Member may ask a relevant Officer for written factual information about a service, such requests must be reasonable. Requests will be met, subject to any overriding legal considerations (such as the Data Protection Act) unless the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If that is the case, she/he will raise the matter with the Town Clerk who will discuss the issue with the Member.

Support Services to Members

10. The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity, or for private purposes.

Members' Access to Information and to Council Documents

11. Members are free to approach Officers to ask for information in accordance with paragraph 9. This right extends to such information, explanation, and advice as they may reasonably need in order to assist them in discharging their role as a Member 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.
12. As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.
13. Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the Member is a member of the body which is meeting and extends not only to reports which are to be submitted to the meeting, but also to any relevant background documents. This right does not, however, automatically apply to background documents relating to certain items which may appear as an exempt item on the agenda for a meeting, e.g. information relating to employees or criminal investigations.
14. The common law right of Members is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
15. The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that she/he has 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".
16. Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. This point is emphasised in the Code of Conduct for Members.

Officer/Chairman Relationships

17. It is important that there should be a close working relationship between the Chairman of a meeting and the Officers who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other political groups.
18. In relation to action between meetings, it is important to remember that the Council's political decision making structure only allows for decisions relating to the discharge of any of the Council's functions to be taken by a meeting or an Officer unless the procedures set out in the Standing Orders are invoked. There is no allowance for such decisions to be taken by a Chairman or indeed by any other single Member.
19. At some meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the Chairman and/or specified Member(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s), who takes the action and it is the Officer who is accountable for it.
20. Finally, it must be remembered that Officers are accountable to Town Clerk and that, whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by him.

Correspondence

21. Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

Conclusion

22. Mutual understanding and openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

PERSONNEL COMMITTEE TERMS OF REFERENCE

Mandate

1. The mandate of the Committee is to effectively and efficiently discharge the Council's duties as an employer under the Employment Rights Act 1996 (as amended or replaced from time to time), also taking into account any other legislation impacting upon the employment of staff.
2. To enable this, it has been granted full delegated decision-making authority by the Council, subject to its not contravening the Council's wider policies.
3. It may nevertheless make recommendations to the Council; in which case the Proper Officer should place them on the agenda for resolution at its next scheduled meeting; and it must do so in the event that:
 - Any proposed expenditure might exceed agreed limits set by the Council.
 - Permanent staff appointments following satisfactory probation periods.
4. Its Chairman should provide a report, not less than quarterly, to a meeting of the Council.
5. In carrying out its mandate, the Committee is particularly responsible for:
 - The monitoring, review, and approval of:
 - Terms and conditions of service and pay.
 - Contracts of employment.
 - Job descriptions and other employment documentation.
 - Staff training needs.
 - Staffing levels.
 - The recruitment and selection of staff.
 - Making appointment recommendations to the Council following satisfactory probation.
 - The fair and impartial handling of disciplinary matters.
 - The fair and impartial handling of staff grievances.
 - Such other matters as may be delegated to it by the Council.

Membership

6. The Committee should comprise five members (to include the Mayor and Deputy Mayor) appointed by the Council for a four-year term to coincide with the Council election cycle. Casual vacancies arising should be filled for the remainder of the cycle then current.

Meetings and Procedure

7. The Committee should meet as often as it deems necessary for the efficient and timely execution of its business.
8. Unless otherwise directed by the Council, the Committee's Chairman and Deputy Chairman should be elected by its members at the first Committee meeting of each election cycle.
9. The quorum for a meeting of the Committee is three.

10. Committee decisions should be made by a majority of those present and voting. In the event of a tie, the Committee Chairman on the day may give a casting vote.
11. In the interests of transparency, all Committee meetings should be open to the press and public except to the extent that confidential or sensitive business dictates otherwise. All confidential or sensitive business must be considered 'below the line' in accordance with the legal provisions then in place for the exclusion of the press and public.
12. Members of the Council, not being members of the Committee, may request to attend all or part of any Committee meeting but may not do so unless a majority of the Committee consents. In the interests of efficiency, such requests and consents should be made and dealt with before the meeting takes place (by email or other expedient means). A confirmatory motion to approve any such attendance should be put at the meeting concerned. If it is passed, the Councillor concerned may participate in the discussion of the agenda item(s) for which he/she has been admitted but may not take part in any vote. Any Councillor so admitted shall not have access to any confidential papers unless the Committee decides otherwise but may be briefed before the meeting by its Chairman and/or the Clerk at their sole discretion.
13. The Committee, if at its sole discretion it deems it expedient, may invite outside specialists to attend and participate in (or to observe) all or part of any meeting on a non-voting basis.
14. No employee may service or attend any part of a Committee meeting at which his/her personal case is to be discussed, except to the extent that, and only for as long as, the Committee at its sole discretion deems it necessary or desirable for him/her to be present.
15. All Councillors and staff attending a meeting of the Committee should be mindful at all times of the requirements of Data Protection Act 2018 and of the need for confidentiality on any personal or otherwise sensitive matter discussed there; and of the Council's collective responsibilities under employment legislation.
16. The agenda for any meeting should be prepared by the Town Clerk in consultation with the Committee Chairman (or in his/her absence, with its Deputy Chairman). Minutes of all Committee meetings should be taken, recorded in a transparent manner, and permanently stored; and presented to the next meeting for approval. The agendas and minutes of all Committee meetings should be posted in a timely manner on the Council's website; but sensitive or confidential matters should first be summarised or redacted as appropriate.
17. Committee meetings may take place online to the extent that the law permits or requires it.

11b)

Subject: RE: Bike Racks

Hi

That is okay, I appreciate that you have recently had some installed in an ideal location so there may not be as many options.

I have sent over a couple of suggestions to our contact in Highways to get his thoughts, I imagine that we will end up with one suitable site.

That would be great if you could add it to the agenda if possible, I am hoping to get confirmation back on the suggestions pretty promptly.

Many thanks

Breckland Council and South Holland Council