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ATTLEBOROUGH TOWN COUNCIL

FIRE SAFETY POLICY

This fire safety policy has been prepared by the Town Council as the responsible body for the premises known as Attleborough Town Council to comply with The Regulatory Reform (Fire Safety) Order 2005 [FSO].

The purpose of this policy is to ensure the safety from fire of all relevant persons on, in or in the vicinity of the premises by effective planning, organisation, control, monitoring and review of the preventive and protective measures.

This policy will be used to ensure the provision of suitable and sufficient general fire precautions, assessment of risk and management of necessary fire safety arrangements.

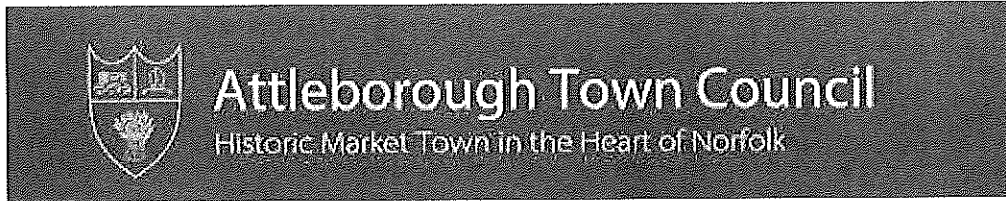
As such the following will be provided;

1. A Health and Safety Adviser is the responsible body for the provision of **safety assistance** to assist the Town Council and Town Clerk in carrying out their duties under the FSO.
2. A suitable and sufficient **fire risk assessment** will be prepared, regularly reviewed, and its **significant findings** acted upon.
3. A suitable and sufficient **fire emergency plan** will be prepared, regularly reviewed, and practised by the regular carrying out fire drills.
4. All **staff will be trained** to satisfactorily carry out the fire emergency plan, regular fire drills and any other necessary actions to comply with the FSO.
5. **Employees will be provided with comprehensible and relevant information** regarding the risks identified from the risk assessment and any other notification of risk by other employees, the preventative and protective measures, the fire emergency plan, and the identities of persons nominated to carry out the duties of the responsible person.
6. The employer of any other employees, or any other person working on the premises, will be provided with the same information as the responsible person's employees.
7. All necessary systems required as part of the general fire precautions (or other general systems or appliances required to be satisfactorily maintained to prevent the likelihood of fire) will be **tested and maintained** in accordance with the relevant code of practice.

Full records of these measures will be kept and made available for audit by the Fire & Rescue Service as required.

Last Issue Date: February 2016

Revise Date: April 02024



Attleborough Town Council

Grant Awards Policy April 2023

Attleborough Town Council approves a budget each year for the purpose of allocating grants to local organisations and community groups. The requirements to qualify for these grants vary according to value and purpose. The large grants funding is available only in exceptional circumstances and where significant benefit to the Town as a whole can be identified.

Priorities

Priority will be given to Grants that assist the Town in the following ways:

- The provision of community events
- The provision of enhancement of Leisure provision.
- The provision of services to vulnerable people.
- Activities supporting Inclusivity, crime prevention, health and wellbeing, educational, sustainable, isolation.
- In some circumstances the grant may be utilised towards fixed costs like rents.

Eligibility

- The following criteria must be met for a group to be considered for a grant:
- The group must be a charity, voluntary or community organisation
- The group must be able to demonstrate that any funding from the Town Council will benefit the residents of Attleborough
- The group must be formally constituted and have a management committee made up of volunteers who are the employing body.

Individuals and businesses are not eligible for grant funding.

Scope of grants

Applications will be considered for the following purposes which must benefit some or all of the residents of Attleborough:

- For purchasing equipment either in part or in full
- For funding of transport that will enable group members to participate

- in a group trip or outing regardless of their incomes
- For training activities or to purchase the expertise of an outside trainer or facilitator
- For activities that raise the profile of the area
- For running costs of a viable group that is experiencing a period of hardship
- For hosting special events or celebrations
- For the provision of recreational facilities.

SMALL COMMUNITY GRANT Grants up to and including £999

Conditions

- Multiple applications within a 12-month period will not normally be considered
- Prior approval of the Town Council is required for any change of purpose of the grant. The Town Council reserves the right to reclaim any grant not being used for the purpose specified on the application
- All awards must be properly accounted for and evidence of expenditure should be supplied as requested. If the Town Council is not satisfied with the arrangements, they reserve the right to request a refund of monies awarded
- An acknowledgement on receipt of the grant is required.

Application process

Applications should be made by completing the Grants Award Application Form and enclosing a copy of the latest set of annual accounts available for the group making the application.

Evidence of a planned budget will be required.

Applications are accepted at any time of the year and will be considered on a monthly basis by the Full Council.

Applicants are usually informed within two weeks of the meeting and the grant money sent by BACS the following month.

Promotion

The Town Council will ask for recognition from successful groups in the form of promotion of the Town Council in newsletters or any press releases. The Town Council will also recognise successful groups in its own reports to parishioners.

LARGE GRANT APPLICATION
Grants from £1000 up to and including £5000

Conditions

- Multiple applications within a 12-month period will not normally be Considered

- Prior approval of the Town Council is required for any change of purpose of the grant. The Town Council reserves the right to reclaim any grant not being used for the purpose specified on the application

- All awards must be properly accounted for and evidence of expenditure should be supplied as requested. This may be in the form of bank statements, or accounts verified by an accounting professional.

- Any monies from the grant that remain unused must be returned to the Town Council within 12 months or by the end of the financial year. If the Town Council is not satisfied with the arrangements, they reserve the right to request a refund of monies awarded.

- An acknowledgement on receipt of the monies is required.

Application process

Applications should be made by completing the Large Grants Award Application Form and enclosing a copy of the latest set of annual accounts available for the group making the application.

Evidence of a planned budget and bank statements will be required. Applications are accepted at any time of the year and will be considered on a monthly basis by the Full Council.

Applicants may be required to attend a meeting to give further information.

Applicants are usually informed within two weeks of the meeting and the grant money sent by BACS the following month.

Promotion

The Town Council will ask for recognition from successful groups in the form of promotion of the Town Council in newsletters or any press releases. This should specifically include details as to the financial contribution from the Town Council.

In the case of events, the Town Council should be promoted as a sponsor – Town Council banners and feather flags can be provided and should be displayed prominently throughout the event.

No member of the grant receiving body should make malicious or vexatious remarks about the Town Council publicly or via social media channels in relation to the grant process, timescales or award decision. This would be determined as a breach of the grant conditions.



FREEDOM OF INFORMATION ACT POLICY & PROCEDURE

Attleborough Town Council supports the principle of openness, transparency and accountability and will continue to improve access to information.

1 Introduction

This Freedom of Information Policy ensures that the Council acts in compliance to the Freedom of Information Act 2000 (FOIA).

The aim of this Policy is to:

- Promote a more open council;
- Promote a better informed public debate;
- Improve public confidence in operations of the council;
- Improve decision making to promote accountability;
- Improve regulation;
- Increase public participation to enhance democracy;
- Promote the FOIA, in terms of accuracy and objectivity; and
- Improve information management.

2 Legislation or Executive Summary

The FOIA provides public access to information held by the Council. It does this in two ways:

- The Council is obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from the Council.

The Act covers any recorded information held by a public authority. The Act does not, however, give people access to their own personal data - these requests should be made under the UK GDPR and DPA 2018. The Council seeks to demonstrate its commitment to all aspects of the FOIA and will continue to promote its values and ensure that the Council is compliant with legislation.

3 Requests for Information

A request for information under the FOIA must be;

- In writing;
- State the name of the applicant and an address for correspondence; and
- Describe the information requested.

4 Fees

Wherever possible, the Council will provide information free of charge. However, in some cases this is not possible. We are entitled to charge for information under Section 9 of the FOIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the Council will issue an

appropriate fee notice which ~~must be paid within 3 months~~ is payable immediately. ~~If no payment is received, we will close the request for information.~~

5 Time of Compliance

The Council aims to comply with requests for information as quickly as possible. Section 10 of the FOIA states that a public authority must respond to a request promptly and, in any event, no later than the twentieth working day following the date of receipt. Working day means any day other than Saturday, Sunday, or bank holidays. The time for compliance is subject to change if:

- The Council seeks clarification under Section 1(3) of the FOIA;
- There is a need for an extension to consider the Public Interest Test under Section 10(3) of the FOIA; or
- A fees notice is issued under Section 9.

6 Appropriate Limit

Under Section 12 of the FOIA the Council does not have to comply with requests where the cost of compliance exceeds the appropriate limit. Section 12 applies if the following factors would cost the Council more than four hundred and fifty pounds or 18 hours of officer time:

- Determine whether the information is held;
- Locating the information;
- Retrieving the information; and
- Extracting the information.

Under Section 13 of the FOIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 the Council is able to charge for the cost of disbursements.

7 Vexatious or Repeated Requests

Under Section 14, the Council will not comply with vexatious requests where there is a strong likelihood that such requests are being made to intentionally cause disproportionate or unjustified levels of disruption, irritation, or distress. If the Proper Officer decides that a request is vexatious or repeated, a refusal notice must be issued to the requester within 20 working days. The refusal notice should state that the Council is relying on section 14(1) or 14(2) and give details of the internal review procedures and the right to appeal to the ICO.

The Council will not comply with a request where it has received an identical or similar request from the same individual unless a reasonable interval has elapsed between compliance with the original request and the current request.

8 Advice & Assistance

In compliance with Section 16 of the FOIA, the Council will provide advice and assistance in response to all requests for information as far as reasonably practicable.

9 Refusals

In some cases, the Council may refuse requests for information under Section 17 of the FOIA. The Council may issue a refusal notice for the following reasons;

- Information is not held; or
- An exemption applies (see Part II of the FOIA).

In some cases, we may not hold the information requested - it may be that it is held by another party. If

possible, the Council shall provide the requestor with information to re-direct the request. However, for Data Protection reasons the Council will not transfer the requestor's request.

10 Exemptions

There may be certain circumstances under which the Council is not obliged to release information. The Council may decide to apply exemptions under Part II of the FOIA. The exemption, if relied upon, will be explained thoroughly in the Council's refusal notice under section 17.

Some exemptions are 'absolute', which means that the exemption applies to any information falling within a defined type. Other exemptions are 'qualified' and require a public interest test to be applied. The Council will ensure that the public interest test is carried out for each of the qualified exemptions. If an exemption is applied, it will be authorised by the Proper Officer.

11 Internal Review

If a requestor is unhappy with a decision that the Council has made, or with the information provided by the Council, ~~it~~they may request an ~~internal~~independent review. Advice will be sought from the Council's Advisory Body. In this case that would be Norfolk PTS. The requestor should also be advised to seek further information and advice from the Information Commissioner.

~~The Council's internal review comprises one stage, an independent review by the Chairman of the Council, or deputy chairman if the Chairman is not available. The Council has 20 working days to complete the review and respond to the requestor. Additional time may be requested if the review is particularly complex (the requestor shall be notified in such cases).~~

~~The Personnel Committee will periodically review Freedom of Information requests and report any issues to the full Council. They will also ensure appropriate staff are trained to handle these requests.~~

12 Data Protection

A request for information may relate to personal data of the requestor or third parties. The Council may refuse the request if to disclose information in relation to third parties would be an actionable breach of confidence or would breach one or more of the data protection principles.

In cases where the request relates to personal data of the requestor, the authority will refuse under Section 40(1) and shall ask for the request to be submitted as a Data Subject Access Request under the Data Protection Act 1998 Section 7. This process is detailed within the Council's Data Protection Policy.

13 Information Commissioner

The Council will consult with the Information Commissioner when required. The Council will refer to Commission guidance and ensure that it is compliant with any good practice that the Commissioner promotes. The Commissioner will investigate complaints in relation to Freedom of Information requests.

Town Hall, Queens Square, Attleborough, Norfolk, NR17 2AF
01953 456194 enquiries@attleboroughtc.org.uk www.attleboroughtc.org.uk

DATA PROTECTION POLICY

Legal background:

Attleborough Town Council is committed to protecting the rights and freedoms of data subjects and the safe and secure processing of their data, in accordance with the Data Protection Act and the General Data Protection Regulation 2018 (GDPR). There has been an update to the 2018 legislation which, whilst it doesn't alter the 2018 Regulation intent, the "Fundamental rights and freedoms" which are currently defined in this legislation as retained EU rights, will be repealed at the end of 2023 by the Retained EU Law (Revocation and Reform) Act 2023. In order to ensure relevant rights and freedoms are still taken into account after the end of this year, this instrument amends the definition of "fundamental rights and freedoms" to refer to an alternative source of fundamental rights and freedoms, namely those under the European Convention on Human Rights (ECHR), which have been enshrined in the UK's domestic law under the Human Rights Act 1998. This will provide certainty for organisations which are subject to data protection legislation and will establish a clear set of fundamental rights and freedoms to refer to. See the link to more information. <https://www.gov.uk/government/publications/the-data-protection-fundamental-rights-and-freedoms-amendment-regulations-2023>

1 Introduction

The Council holds personal data about our employees, clients, suppliers, customers, and other individuals for a variety of business purposes.

This policy sets out how we seek to protect personal data and ensure that our employees understand the rules governing their use of the Personal Data to which they have access in the course of their work.

In particular, this policy requires staff to ensure that the Data Protection Officer (DPO) is consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

The Council is committed to acting responsibly in ensuring continued and effective implementation of this policy and expects all its employees to share in this commitment. Any breach of this policy will be taken seriously and may result in disciplinary action.

2 Definitions

Purpose	Description
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Business	<p>The purposes for which personal data may be used by us: Personnel, administrative, financial, regulatory, payroll and business development purposes.</p> <p>Business purposes include the following:</p> <ul style="list-style-type: none"> • Compliance with our legal, regulatory and corporate governance obligations and good practice; • Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests; • Ensuring business policies are adhered to (such as policies covering email and internet use); • Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of commercially sensitive information, security vetting, credit scoring and checking; • Investigating complaints; • Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments; • Monitoring staff conduct, disciplinary matters; • Marketing our business; and • Improving services.
Personal Data	<p>Personal data means any information relating to an identified or identifiable natural person (data subject); and identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.</p> <p>Personal data we gather may include: individuals' phone number, email address, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, CV and photo or film images.</p>
Special Categories of Personal Data	<p>Special categories of data include information about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings, and genetic and biometric information any use of special categories of personal data should be strictly controlled in accordance with this policy.</p>
Data Controller	<p>Data controller means the natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by law.</p>
Data Processor	<p>Processor means a natural or legal person, public authority, agency or other agency or other body, which processes personal data on behalf of the</p>

	controller.
Processing	Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.
Supervisory Authority	This is the national body responsible for data protection. The supervisory authority for our organisation is the Information Commissioners Office (ICO).

- 3 Scope

This policy applies to the processing of personal data wholly or partly by automated means (i.e. by computer) and to the processing other than by automated means (i.e. paper or photographic records) that form part of filing system or are intended to form part of a filing system.

This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time.

Who is responsible for this policy?

The Clerk has overall responsibility for the day-to-day implementation of this policy. Please contact the Clerk for further information about this policy if it is required.

4 Principles

The Council will make every effort possible to comply with these principles. The Principles are:

- Lawful, Fair, and Transparent
Data collection must be fair, for a legal purpose and we must be open and transparent as to how the data will be used.
- Limited for its Purpose
Data can only be collected for a specific purpose.
- Data Minimisation
Any data collected must be necessary and not excessive for its purpose.
- Accurate
The data we hold must be accurate and kept up to date.
- Retention
We cannot store data longer than necessary.
- Integrity and Confidentiality
The data we hold must be kept safe and secure.

- Accountability and Transparency

The Council will ensure accountability and transparency in all our use of personal data and we will record how we comply with each principle. Our employees are responsible for keeping a written record of how all the data processing activities they are responsible for comply with each of the principles. The written record will be kept up to date and will be approved by the Data Protection Officer (DPO).

All our employees are responsible for understanding their particular responsibilities to ensure we meet the following data protection obligations:

- Fully implement all appropriate technical and organisational measures;
- Maintain up to date and relevant documentation on all processing activities;
- Conducting Data Protection Impact Assessments; and
- Implement measures to ensure privacy by design and default, including:
 - Data minimisation;
 - Pseudonymisation;
 - Transparency;
 - Allowing individuals to monitor processing and
 - Creating and improving security and enhanced privacy procedures on an ongoing basis.

5 Our Procedures

Fair and Lawful Processing

We will process personal data fairly and lawfully in accordance with individual rights under the first principle. This generally means that we will not process personal data unless the individual whose details we are processing has consented to this happening.

Lawful Basis for Processing Data

We will establish a lawful basis for processing data. It is the responsibility of each employee to check the lawful basis for any data they are working with and ensure all of their actions comply the lawful basis. At least one of the following conditions will apply whenever we process personal data:

- Consent

We hold recent, clear, explicit, and defined consent for the individual's data to be processed for a specific purpose.

- Contract

The processing is necessary to fulfil or prepare a contract for the individual.

- Legal Obligation

We have a legal obligation to process the data (excluding a contract).

- Vital Interests

Processing the data is necessary to protect a person's life or in a medical a situation.

- Public Function

Processing necessary to carry out a public function, a task of public interest or the function has a clear basis in law.

- Legitimate Interest

The processing is necessary for our legitimate interests. This condition does not apply legitimate interest. Deciding which condition to rely on if there is a good reason to protect the individual's personal data which overrides the legitimate interest.

Deciding which Condition to Rely On

In making an assessment, we will first establish that the processing is necessary. This means the processing will be a targeted, appropriate way of achieving the stated purpose.

We recognise that that more than one basis may apply, and we will rely on what will best fit the purpose.

We will consider the following factors:

- What is the purpose for processing the data?
- Can it reasonably be done in a different way?
- Is there a choice as to whether or not to process the data?
- Who does the processing benefit?
- After selecting the lawful basis, is this the same as the lawful basis the data subject would expect?
- What is the impact of the processing on the individual?
- Are we in a position of power over them?
- Are they a vulnerable person?
- Would they be likely to object to the processing?
- Are we able to stop the processing at any time on request, and have we factored in how to do this?

As part of our commitment to the first principle we shall document this process to show that we have fully considered which lawful basis best applies to each processing purpose, and fully justify these decisions.

We will also ensure that individuals whose data is being processed by us are informed of the lawful basis for processing their data, as well as the intended purpose. This will occur via a privacy notice. This applies whether we have collected the data directly from the individual, or from another source.

Any employee who is responsible for making an assessment of the lawful basis and implementing the privacy notice for the processing activity, must have this approved by the DPO.

6 Special Categories of Personal Data

What are special categories of personal data?

Previously known as sensitive personal data, this means data about an individual which is more sensitive, so requires more protection.

This type of data could create more significant risks to a person's fundamental rights and freedoms, for example by putting them at risk of unlawful discrimination.

The special categories include information about an individual's:

- race;
- ethnic origin;

- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health; and/or
- sexual orientation.

In most cases where we process special categories of personal data, we will obtain the data subject's explicit consent to do this unless exceptional circumstances apply, or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any such consent will clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

The condition for processing special categories of personal data will comply with the law. If we do not have a lawful basis for processing special categories of data that processing activity will cease.

7 Responsibilities

The Council's responsibilities are:

- To analyse and document the type of personal data held;
- To check procedures to ensure they cover all the rights of the individual;
- To identify the lawful basis for processing data;
- To ensure that the consent procedures are lawful;
- To implement and review the procedures to detect, report and investigate personal data breaches;
- To store data in safe and secure ways; and
- To assess the risk posed to individual rights and freedoms should data be compromised.

The responsibilities of individual members of staff are:

- To fully understand their data protection obligations;
- To check that any data processing activities they are dealing with comply with our policy and are justified;
- To not use data in any unlawful way;
- To not store data incorrectly, be careless with it or otherwise cause us to breach data protection laws and our policies through their actions;
- To ensure that the data used is accurate and consent has been given if applicable;
- To comply with this policy at all times; and
- To raise any concerns, notify any breaches or errors, and report anything suspicious or contradictory to this policy or our legal obligations without delay.

Responsibilities of the Data Protection Officer

- To keep the Council updated about data protection responsibilities, risks and issues;

- To review all data protection procedures and policies on a regular basis;
- To arrange data protection training and advice for all staff members and members;
- To answer questions on data protection from staff, M-embers and other stakeholders;
- To respond to individuals who wish to know which data is being held on them by us;
- To check with and approve third parties that handle the Council's data any contracts or agreement regarding data processing;
- To ensure all systems, services, software and equipment meet acceptable security standards;
- To check and scan security hardware and software regularly to ensure it is functioning properly;
- To research third -party services, such as cloud services the Council is considering using to store or process data;
- To approve data protection statements attached to emails and other marketing copy;
- To address data protection queries from clients, target audiences or media outlets; and
- To co-ordinate with the staff who undertake marketing activities to ensure all marketing initiatives adhere to data protection laws and the Council's Protection Policy.

Accuracy and Relevance

We will ensure that any personal data we process is accurate, adequate, relevant, and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If they believe that information is inaccurate, they should record the fact that the accuracy of the information is disputed and inform the DPO.

Data Security

We will keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.

Storing Data Securely

- In cases when data is stored on printed paper, it shall be kept in a secure place where unauthorised personnel cannot access it.
- Printed data shall be shredded when it is no longer needed.
- Data stored on a computer shall be protected by strong passwords that are changed regularly.
- Data stored on CDs or memory sticks will be encrypted or password protected and locked away securely when they are not being used.
- The DPO will approve any cloud used to store data.
- The DPO will approve any third-party applications that are used to store information.
- Servers containing personal data will be kept in a secure location, away from general office space.
- Data will be regularly backed up in line with the Council's backup procedures.
- All servers containing sensitive data will be approved and protected by security software.

- All possible technical measures will be put in place to keep data secure.

Data Retention

We will retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with our data retention guidelines.

Transferring Data Internationally

There are restrictions on international transfers of personal data. We will not transfer personal data abroad, or anywhere else outside of normal rules and procedures without express permission from the DPO.

8 Rights of Individuals

Individuals have rights to their data which we will respect and comply with to the best of our ability. We will ensure individuals can exercise their rights in the following ways:

Right to be Informed

- Providing privacy notices which are concise, transparent, intelligible, and easily accessible, free of charge, that are written in clear and plain language, particularly if aimed at children.
- Keeping a record of how we use personal data to demonstrate compliance with the need for accountability and transparency.

Right of Access

- Enabling individuals to access their personal data and supplementary information.
- Allowing individuals to be aware of and verify the lawfulness of the processing activities.

Right to Rectification

- We will rectify or amend the personal data of the individual if requested because it is inaccurate or incomplete.
- This will be done without delay, and no later than one month.

Right to Erasure

- We will delete or remove an individual's data if requested and there is no compelling reason for its continued processing.

Right to Restrict Processing

- We will comply with any request to restrict, block, or otherwise suppress the processing of personal data.
- We are permitted to store personal data if it has been restricted, but not process it further. We will retain enough data to ensure the right to restriction is respected in the future.

Right to Data Portability

- We will provide individuals with their data so that they can reuse it for their own purposes or across different services.
- We will provide it in a commonly used, machine-readable format, and send it directly to another

controller if requested.

Right to Object

- We will respect the right of an individual to object to data processing based on legitimate interest or the performance of a public interest task.
- We will respect the right of an individual to object to direct marketing, including profiling.
- We will respect the right of an individual to object to processing their data for scientific and historical research and statistics.

Rights in Relation to Automate Decision Making and Profiling

- We will respect the rights of individuals in relation to automated decision making and profiling.
- Individuals retain their right to object to such automated processing, have the rationale explained to them, and request human intervention.

9 Privacy Notices

When to supply a privacy notice.

A privacy notice will be supplied at the time the data is obtained if obtained directly from the data subject. If the data is not obtained directly from the data subject, the privacy notice will be provided within a reasonable period of having obtained the data, which mean within one month.

If the data is being used to communicate with the individual, then the privacy notice will be supplied at the latest when the first communication takes place.

If disclosure to another recipient is envisaged, then the privacy notice will be supplied prior to the data being disclosed.

What to include in a privacy notice?

Privacy notices will be concise, transparent, intelligible, and easily accessible. They will be provided free of charge and will be written in clear and plain language, particularly if aimed at children.

The following information will be included in a privacy notice to all data subjects:

- Identification and contact information of the data controller and the data protection officer;
- The purpose of processing the data and the lawful basis for doing so;
- The legitimate interests of the controller or third party, if applicable;
- The right to withdraw consent at any time, if applicable;
- The category of the personal data (only for data not obtained directly from the data subject);
- Any recipient or categories of recipients of the personal data;
- Detailed information of any transfers to third countries and safeguards in place;
- The retention period of the data or the criteria used to determine the retention period, including details for the data disposal after the retention period;
- The right to lodge a complaint with the ICO, and internal complaint procedures;
- The source of the personal data, and whether it came from publicly available sources (only for data not obtained directly from the data subject);
- Any existence of automated decision making, including profiling and information about how those decisions are made, their significances and consequences to the data subject; and

- Whether the provision of personal data is part of a statutory or contractual requirement or obligation and possible consequences for any failure to provide the data (only for data obtained directly from the data subject).

10 Subject Access Requests

What is a subject access request?

An individual has the right to receive confirmation that their data is being processed, access to their personal data and supplementary information, which means the information, which should be provided in a privacy notice.

How we deal with subject access requests.

We will provide an individual with a copy of the information the request, free of charge. This will occur without delay, and within one month of receipt. We endeavour to provide data subjects access to their information in commonly used electronic formats.

If complying with the request is complex or numerous, the deadline can be extended by two months, but the individual must be informed within one month. Extension of the deadline must be approved by the DPO.

We can refuse to respond to certain requests, and can, in circumstances of the request being manifestly unfounded or excessive, charge a fee. If the request is for a large quantity of data, we can request the individual specify the information they are requesting. This can only be done with express permission from the DPO.

Once a subject access request has been made, an employee must not change or amend any of the data that has been requested. Doing so is a criminal offence.

Data portability requests.

We shall provide the data requested in a structured, commonly used, and machine-readable format. This would normally be a CSV file, although other formats are acceptable. We will provide this data either to the individual who has requested it, or to the data controller they have requested it be sent to. This shall be done free of charge and without delay, and no later than one month. This can be extended to two months for complex or numerous requests, but the individual must be informed of the extension within one month and express permission must be sought from the DPO first.

11 Right to Erasure

What is the right to erasure?

Individuals have a right to have their data erased and for processing to cease in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected and / or processed;
- Where consent is withdrawn;
- Where the individual objects to processing and there is no overriding legitimate interest for continuing the processing;

- The personal data was unlawfully processed or otherwise breached data protection laws;
- To comply with a legal obligation; and/or
- The processing relates to a child.

How we deal with the right to erasure.

We will only refuse to comply with a right to erasure in the following circumstances:

- To exercise the right of freedom of expression and information;
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority;
- For archiving purposes in the public interest, scientific research, historical research, or statistical purposes;
- For public health purposes in the public interest; and/or
- The exercise or defence of legal claims.

If personal data that needs to be erased has been passed onto other parties or recipients, we will contact them and inform them of their obligation to erase the data. If the individual asks, we will inform them of those recipients.

The right to object.

Individuals have the right to object to their data being used on grounds relating to their particular situation. We will cease processing unless:

- We have legitimate grounds for processing which override the interests, rights, and freedoms of the individual; and/or
- The processing relates to the establishment, exercise, or defence of legal claims.

We will inform the individual of their right to object at the first point of communication, i.e. in the privacy notice. We will offer a way for individuals to object online.

The right to restrict automated profiling or decision making.

We will only carry out automated profiling or decision making that has a legal or similarly significant effect on an individual in the following circumstances:

- It is necessary for the entry in to or performance of a contract;
- Based on the individual's explicit consent; and otherwise authorised by law.

In these circumstances, we will:

- Give individuals detailed information about the automated processing;
- Offer simple ways for them to request human intervention or challenge any decision about them; and
- Carry out regular checks and user testing to ensure our systems are working as intended.

12 Third Parties

Using third party controllers and processors.

As a data controller and data processor, we will have written contracts in place with any third-party data controllers and/or data processors that we use. The contract shall contain specific clauses which set out

our and their liabilities, obligations, and responsibilities.

As a data controller, we shall only appoint processors who can provide sufficient guarantees under GDPR and that the rights of data subjects will be respected and protected.

As a data processor, we will only act on the documented instructions of a controller. We acknowledge our responsibilities as a data processor under GDPR and we will protect and respect the rights of data subjects.

Contracts

Our contracts shall comply with the GDPR contractual clauses and where applicable, the requirements set out by the ICO. Our contracts with data controllers and/or data processors will set out the subject matter and duration of the processing, the nature and stated purpose of the processing activities, the types of personal data and categories of data subject, and the obligations and rights of the controller.

At a minimum, our contracts will include terms that specify:

- Acting only on written instructions;
- Those involved in processing the data are subject to a duty of confidence;
- Appropriate measures will be taken to ensure the security of the processing;
- The controller will assist the processor in dealing with subject access requests and allowing data subjects to exercise their rights under GDPR;
- The processor will assist the controller in meeting its GDPR obligations in relation to the security of processing, notification of data breaches and implementation of Data Protection Impact Assessments;
- Delete or return all personal data at the end of the contract;
- Submit to regular audits and inspections, and provide whatever information necessary for the controller and processor to meet their legal obligations; and
- Nothing will be done by either the controller or processor to infringe on GDPR.

13 Criminal Offence Data

Criminal record checks.

Any criminal record checks are justified by law. Criminal record Disclosure and Barring Service (DBS) checks cannot be undertaken based solely on the consent of the subject. We cannot keep a comprehensive register of criminal offence data. All data relating to criminal offences is considered to be a special category of personal data and will be treated as such. The DPO must approve a criminal record check before it is carried out.

14 Audits, Monitoring & Training

Data Audits

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant. We will conduct regular data audits as defined by the DPO and normal procedures and will on occasions request an audit to be carried out by the Information Commissioners Office.

These audits will provide an assessment of whether the Council is following good data protection

practice and will look at whether the Council has effective controls in place alongside fit for purpose policies and procedures to support its data protection obligation. The resulting report will be presented to the full Council and will make recommendations on how to make improvements, if necessary.

Monitoring

Each member of staff and Councillor shall observe this policy and comply with it at all times. The DPO has overall responsibility for this policy. Attleborough Town Council will keep this policy under review and amend or change it as required. Any breach of this policy shall be notified to the DPO.

Training

Each member of staff will receive adequate training on provisions of data protection law specific for their role. If a member of staff moves roles or responsibilities, new GDPR training, relevant to the new role or responsibilities will be provided.

15 Reporting Breaches

Any breach of this policy or of data protection laws will be reported as soon as practically possible. As soon as it becomes aware of a breach, Attleborough Town Council has a legal obligation to report any data breaches to the Information Commissioner's Office within 72 hours.

All members of staff have an obligation to report actual or potential data protection compliance failures.

This allows us to:

- Investigate the failure and take remedial steps if necessary;
- Maintain a register of compliance failures; and
- Notify the Information Commissioner's Office of any compliance failures that are material either in their own right or as part of a pattern of failures.

Failure to comply.

We take compliance with this policy very seriously.

Any member of staff who fails to notify of a breach or is found to have known or suspected a breach has occurred but has not followed the correct reporting procedures will be liable to disciplinary action, which may result in dismissal.

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Attleborough Town Council

Historic Market Town in the Heart of Norfolk

Capability Policy

Contents

Capability Policy

Objectives

Key Principles

Responsibilities

Managers

Employees

Trade Union Representatives

Capability Policy

Attleborough Town Council seeks to provide each employee with the direction, development and support necessary to assure a productive and rewarding career.

Objectives

The objectives of this policy are to:

- Improve and maintain the standard of work performance of an individual employee, through advice, coaching, guidance, and support, with the emphasis on developing a series of performance improvement plans, which are mutually agreed (wherever practicable) to reach the required standards;
- Ensure that all employees are treated in a fair, consistent and understanding manner in relation to capability issues;
- Ensure that the Town Council is a fair employer, meeting all relevant legal requirements regarding any capability related decisions it may take in relation to any employee;
- Support managers in carrying out their responsibilities for the maintenance of high standards of work performance by all employees;
- Contribute towards the improvement of the performance and effectiveness of the Town Council;
- Help protect the Town Council, its employees and service users from the consequences of poor work performance.

Key Principles

This policy and procedure ensures that the Town Council has fair and effective arrangements for dealing with work performance and capability Matters. Before employees can be expected to reach appropriate standards of job performance, the Council accepts they should be provided with appropriate training, guidance, and support. A work performance issue may arise when an employee is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner due to capability, (would but can't) or as a result of misconduct (can but won't). In cases of misconduct the Disciplinary Policy and Procedure should be used.

In exceptional cases where a performance error or defect has serious consequences (i.e. if it results in the serious jeopardy of the health and safety of service users or other employees) the principles/procedure for gross misconduct as outlined in the Disciplinary Policy and Procedure should be followed.

Initial identification of an employee's failure to meet the required levels of performance often arises through normal performance management meetings i.e. one-to-ones, supervisions, appraisals. It is expected that the majority of performance related issues will be resolved promptly at this level, except where there is evidence that such an approach has proved ineffective already. If this is the case, the line manager should invite the employee to attend an Informal Capability Meeting. The discussion should alert the employee to the concerns and give the line manager the opportunity to assess the situation, on the basis of the information provided.

During this informal stage, the line manager will provide the necessary advice, coaching, guidance, and support in addition to developing with the employee (and agree where practicable) a series of Performance Improvement Plans (PIP) in order to support the individual in attaining the required standards.

Progress made by the employee against the Performance Improvement Plan will be reviewed on a regular basis dependant on the time available and seriousness of the shortcomings.

The outcome of these reviews will determine whether it is necessary to progress to the formal stage of the process.

I.e. Stage 1 – Formal Capability Meeting to Stage 2 – Formal Capability Hearing.

Where improvements in performance prove to be of a temporary nature following application of the formal stages of the Capability Procedure, the line manager, in conjunction with an independent HR Adviser, has the option to return immediately to Stage 1 of the Formal Procedure, if the performance concerns are related. Under normal circumstances, where a new area of performance concern has been identified the process should commence at the Informal Capability Meeting.

As per the Green Book - Employees Pay and Conditions Policy, the line

manager, in conjunction with the Personnel Committee, has the discretion to withhold a pay increment as part of any formal action taken against the employee. Any increments withheld may subsequently be paid if the employee's performance becomes satisfactory. Employees have the right to appeal against any formal sanction given.

Responsibilities

Line Managers responsibilities include;

- Ensuring employees are aware of Council rules, practices and procedures and for applying the policy in a fair and consistent manner.
- Developing a culture where employees are supported and assisted in achieving the required standards of performance.
- Through normal performance management meetings i.e. one to-ones, supervisions, appraisals etc., address and resolve work performance issues informally and promptly as appropriate.
- To record details of all meetings within the procedure with the employee including any targets, monitoring, and support.
- To keep a copy of the notes of meetings, letters to the employee and any ad hoc verbal feedback given during the monitoring period and place in the employee's "supervision" file where this process is used. If individual "supervision" files are not used, it should be placed in a designated confidential and secure location within the Town Clerk's office.
- If the matter progresses to a Stage 2 – Formal Capability Hearing, to present the details of employee's failure to meet required standards, including all relevant performance statistics and the outcome of performance improvement plans to date.

Employees responsibilities;

- Employees have a contractual responsibility to perform at a satisfactory level and are, therefore, expected to be committed to achieving such levels of performance.
- Employees are expected to attend any meetings and hearings convened in accordance with the Capability Policy and Procedure.

Trade Union Representatives:

The same standards will apply to Trade Union Representatives as to all other employees. However, where application of formal action is being considered against a Trade Union Official or Representative, the case must first be discussed with a Senior Trade Union Representative or full time Official. This is to avoid the action being misconstrued as an attack on the union itself or on its representation and negotiating role, and is in accordance with the ACAS Code of Practice.

CAPABILITY PROCESS – INFORMAL STAGE

Informal Actions

Initial identification of an employee's failure to meet the required levels of performance, often arises, through normal performance management meetings i.e. one-to-ones, supervisions, appraisals. It is expected that the majority of performance related issues will be resolved promptly at this level, except where there is evidence that such an approach has proved ineffective already. If this is the case the line manager should invite the employee to attend an Informal Capability Meeting.

Informal Capability Meeting.

Preparation before the meeting:

Line manager invites employee to the meeting to discuss the performance concerns that have been identified. NB. Please note there is not a template invite letter for this as it is an informal meeting.

Manager collates any necessary information, where appropriate, to demonstrate to the employee where they are not meeting the required standards of performance, e.g. job description/person specification, competencies, supervision notes, appraisals, case files, screen prints of data systems, call recordings etc.

During the Meeting:

The discussion should include the following:

- The line manager will present the evidence of the performance issue(s) to the employee and express his/her concerns being sensitive at all times to the fact that unless otherwise identified, issues of performance are not disciplinary in nature, and that the correct approach is therefore one of constructive support, guidance, coaching and encouragement.
- The employee will be given a full opportunity to respond and explain any factors affecting his/her current performance levels. If any underlying medical issues are suggested, it may be appropriate to refer the employee to Occupational Health
- The manager will give thorough consideration to all the responses made by the employee.
- The manager should make the employee aware of the confidential Employee Support and Counselling Service. If as a result of the discussion it is decided that:
 1. it is not necessary to take further action under the Capability Procedure the manager and employee can agree any actions and review as appropriate.
 2. it is necessary to refer the employee to Occupational Health the Informal Capability Meeting should be adjourned whilst medical advice is sought.
NB: where an employee declines a referral to Occupational Health, the line manager needs to explain that without such a report management decisions will be made using the information available to them and that the matter will continue to be managed under the Capability Policy and Procedure.
 3. if it is necessary to take further action under the Capability Procedure, the manager should:
 - Confirm with the employee that their work performance will continue be monitored under the Informal stage of the Capability Policy and Procedure and they should be given a copy of this document

- Develop a Performance Improvement Plan (PIP) with the employee, with specific targets and dates. Every effort should be made where possible to agree the details of the plan.

Reference should be made to the job description and other relevant performance criteria.

- Advise how they will assist the employee to meet the required levels of improvement
- Establish the time period within which the specified improvement(s) will be monitored and feedback given on progress, and where applicable to amend the development plan. The time period (as a general rule) will be between 1 and 3 months. However, each case will need to be considered on its own merits and as such it may be that a shorter or longer monitoring period is required and advice should be sought from the independent HR Advisor.
- Advise of the frequency of review meetings to monitor progress (at least two).

Follow up Action:

If the need for further action is identified the outcome of the Informal Capability Meeting will be confirmed in writing to the employee, including details of the Performance Improvement Plan. Review meetings should take place during the agreed monitoring period to monitor progress, which should be documented in the 'Progress' column of the Performance Improvement Plan. Both the line manager and employee should provide input to this. Any targets that need amending should also be made on the Performance Improvement Plan. Furthermore, regular feedback may also be given to the employee during the review period, this may be done verbally (at ad hoc meetings, one to ones, supervisions etc) but a written record should be kept. As a minimum the date(s) for the first review meeting and last review meeting at the end of the monitoring period should be set and included in the letter.

Possible Outcomes of End of Review Period:

At the end of the agreed monitoring period the manager will meet with the employee to discuss the progress and inform them of the outcome of the review period. The manager should then confirm the outcome to the employee in writing:

- Where performance has reached the required standards an agreement to maintain the standard of performance should be made including how this will be measured.
- If the performance level remains unsatisfactory; the employee should be invited to a Stage 1 – Formal Capability Meeting

CAPABILITY PROCESS – FORMAL STAGES

Stage 1 – Formal Capability Meeting

The Stage 1 – Formal Capability Meeting should be held with the employee's line manager and the Chairman of the Personnel Committee. Managers should seek advice from the independent HR advisor before progressing with this stage

Preparation before the Meeting:

Manager invites employee to the Stage 1 – Formal Capability Meeting to discuss the continuing concerns, giving at least 5 working days' notice. The employee should be provided with a copy of the Informal Stage - Performance Improvement Plan and the notes of subsequent review meetings. The employee is advised that they have the

right to be accompanied by a Town Council work colleague or recognised Trade Union Representative/recognised Trade Union Officer.

Any documentation that the employee/representative wishes to submit should be provided no later than 3 working days before the meeting. This will avoid delays at the meeting.

NB. The independent HR Advisor may also be in attendance to provide support to the Chair of the meeting.

During the Meeting:

The discussion should include the following:

- A review of the monitoring period and support given the shortfall in performance
- Agreement (where practicable) of the Performance Improvement Plan and further targets.
- Any further training and support that is required and can be provided
- Consideration of any extenuating circumstances that may be affecting the employee's performance.
- Consideration of withholding an increment until level of performance has reached the required standards.
- Establishment of a further monitoring period (between 1 and 3 months). However, each case will need to be considered on its own merits and as such it may be that a shorter or longer monitoring period is required, and advice should be sought from your HR Adviser in all cases.
- Review meetings (at least two)
- The employee should be forewarned that the level of performance is not acceptable and that failure to improve by the end of the review period may result in progressing to Stage 2 – Formal Capability Hearing of the procedure, which could lead to dismissal on the grounds of capability.
- Consideration of alternative employment. Where a suitable vacancy exists the normal recruitment and selection process will apply.

Follow up Action:

The outcome of the Stage 1 – Formal Capability Meeting will be confirmed in writing to the employee including the possible outcome if performance continues not to be acceptable. A copy of the Performance Improvement Plan will also need to be enclosed with the letter.

Review meetings should take place between the employee and the line manager during the agreed period to monitor progress, which should be documented in the 'Progress' column of the Performance Improvement Plan. Any targets that need amending during this period should also be made on the Performance Improvement Plan. Furthermore, regular feedback may also be given to the employee during the review period, this may be done verbally (ad hoc meetings, one to ones, supervisions etc) but a written record should be kept. As a minimum, the date for the first review meeting and final review meeting at the end of the monitoring period should be set and included in the letter.

If the Manager, in conjunction with the independent HR Advisor, has decided to withhold an increment until level of performance has reached the required standards, the line manager will need to email to advise of this.

Possible Outcomes of Review Period:

At the end of the agreed monitoring period the Senior Manager and employee's line manager will meet with the individual to discuss the progress and inform them of the outcome of the review period. The Senior Manager should then confirm the outcome to the employee in writing. Where the employee has now reached, or is shortly expected to reach, the specified levels of performance, advise no further formal action is necessary. However, the decision will remain 'live' for 12 months and therefore if satisfactory improvement proves only to be of a temporary nature, then the manager has the option of returning immediately to this point in the procedure if the performance concerns are related. Under normal circumstances, where a new area of performance concern has been identified the process should commence at the Informal Capability Meeting.

Any increments withheld may subsequently be paid if the employee's performance becomes satisfactory, the line manager will need to consider this in conjunction with the independent HR Advisor before emailing to advise of this. Or;

- The employee has made substantial improvements, but his/her performance is still below acceptable standards. A further review period of between 1 to 3 months will therefore be required. Or;
- The employee has made little or no improvement and has shown few signs that he/she will be capable of meeting the required standard. In such circumstances, a Stage 2 – Formal Capability Hearing will be arranged.

Stage 2 – Formal Capability Hearing

Following notification from the line manager, the independent HR Advisor will convene the Stage 2 - Capability Hearing and confirm the arrangements in writing to the employee (with copies to Panel Members and Representative (if appropriate)), giving at least 10 working days' notice. This notice will include:

- A clear statement of the employee's failure to meet the required standards of performance and the Performance Improvement Plan.
- Record of monitoring/progress to date (including a copy of all correspondence from the Informal stage and Stage 1 – Formal Capability Meeting including Performance Improvement Plan, notes of subsequent review meetings, advice from Occupational Health (if appropriate).
- The date, time, location of the hearing
- Names of the panel members
- The name of the person who will present the management position
- Whether the manager intends on calling any witnesses
- The employee's entitlement to call witnesses
- The employee's right to be accompanied by a Town Council work colleague or a recognised Trade Union Officer or recognised Trade Union Representative
- A decision may be taken to dismiss on the grounds of capability
- The right of appeal against formal sanctions i.e. dismissal on the grounds of capability and/or withholding the pay increment.

Preparation before the Hearing:

Any documentation from the employee should be submitted 5 working days prior to the hearing including advance notification to the HR Adviser of the number of

witnesses (if any) that they plan to call. The additional information will be distributed to all parties by the independent HR Advisor 3 working days prior to the Hearing. If the employee wishes to attend the hearing but is absent due to sickness or some other reason or their representative is unable to attend, the meeting may be postponed and will be rearranged within 5 working days or as soon as is practicable. The employee should be notified of the date in writing and informed that if they are not able to attend on the revised date the hearing will proceed on this occasion in their absence. If the employee cannot attend personally, they will be invited to put their case either through their representative or if that person is not available, an alternative representative, or submit their case in writing in advance by no later than 3 working days in advance of reconvened hearing.

During the Hearing: Hearing Procedure

The Hearing Panel will consist of the following two officers, who should not have played any previous part in any aspect of the case:

Chairperson

The Town Clerk, who has the authority to implement all the possible outcomes of the Hearing. Or a Member of the Personnel Committee in those circumstances where the Town Clerk is by virtue of interest or predisposition unable to act.

A Second (Independent) Manager

Another more senior manager.

An Independent HR Advisor

A HR Advisor's prime role will be to contribute specialist knowledge of procedural issues, relevant policies, and employment law matters. They will participate fully in the hearing and any discussions about the case, but will not be a party to the final decision.

A Note Taker

As dismissal is an outcome of a Stage 2 – Formal Capability Hearing, the note taker will be provided by the Chair of the Panel.

Management Position

This will normally be presented by the employee's line manager (if that person is not the Town Clerk) and will be required to demonstrate what action, support, training, and discussions have taken place with the employee throughout the Informal stage and Formal Stage 1 of the procedure.

Employee/Employee Representative

The employee/employee representative will be required to give an explanation as to why they have not met the required standards of performance.

The Decision

All three panel members discuss the employee's performance history, all related evidence and any relevant Town Council policies, procedures, and practices. The Chairperson and Independent Manager make the final decision on the outcome. Immediately after the Hearing, the Chairperson (assisted by the independent HR Advisor) will prepare a detailed Record of the Outcome.

Outcomes of Hearing:

No further action. However, the decision will remain 'live' for 12 months and therefore if satisfactory improvement proves only to be of a temporary nature then the manager has the option, of returning immediately to the Formal Stage 1 of the

procedure if the performance concerns are related. Under normal circumstances, where a new area of performance concern has been identified the process should commence at the Informal Capability Meeting.

Extension of previous monitoring period (1 to 3 months). However, each case will need to be considered on its own merits and as such it maybe that a shorter or longer monitoring period is required and advice should be sought from the independent HR Advisor in all cases. Should the employee not have made satisfactory progress at the end of this period, the Capability Hearing will be reconvened with the same panel following the same procedure.

Dismissal with contractual notice. In exceptional circumstances, the employee will not be required to attend work during their notice period.

Follow up Action:

The outcome of the Stage 2 – Formal Capability Hearing should be confirmed to the employee in writing by the Chair of the Capability Hearing.

Where an employee is dismissed on the grounds of capability:

- The letter should include their right of appeal
- The manager should complete a Leavers Form

Stage 3 –

Appeal

An employee has the right to submit an appeal against formal sanctions i.e. dismissal on the grounds of capability and/or withholding the pay increment.

If the employee wishes to appeal they must do so in writing, outlining the reasons for this, within 10 working days of the date on which the decision is confirmed in writing.

The appeal will be heard by Members of an Appeals Committee. A minimum of any 3 Members may act as a panel. The purpose of an appeal is to enable the Appeals Committee to consider all the circumstances of the case and the procedure followed. The appellant will have an opportunity to present his/her basis for appealing and the managers concerned will outline the reasons for their action. A decision can then be taken as to whether the outcome was appropriate and justified considering all the issues involved.

Appendix 1 outlines the Appeals Procedure

Appendix 1

Procedure for Appeals Procedure to be Followed at A Local Hearing of Appeals

1 The Council's Appeals Committee shall be the body which hears and determines relevant appeals arising out of the Council's disciplinary procedures. The Committee's decision shall be final insofar as the Council's internal processes are concerned.

(i) All appeals must be made by in writing, to the Town Clerk, outlining the reasons for this, within 10 working days of the date on which the decision is confirmed in writing.

(ii) The Appeals Committee shall have authority to deal with appeals on one or more of the following grounds only:

- that the employee was not guilty of the conduct alleged against him/her;

- that the disciplinary action by way of formal action was unreasonable in the circumstances;

- that the way the employee was treated was procedurally unfair.

(iii) Evidence relating to any aspect of the employee's employment other than, that which relates solely to the above-mentioned grounds shall be inadmissible during the hearing before the Appeals Committee.

(iv) The Appeals Committee shall not accept authority to determine appeals relating to the following: -

- legal points or interpretation;

- matters relating to the propriety of established procedural rules previously agreed with the relevant Union;

- any grievances or other disciplinary actions other than those currently appearing on the personnel record of the employee.

2. The employee shall be given notice in writing at least 14 days in advance of the time and place of the hearing and shall be allowed to be represented by his trade union representative or some other person(s) of his/her choice and subject to paragraph 3 shall be entitled to call witnesses and produce documents relevant to his case at the hearing.

3. Each party shall not less than seven days before the date fixed for the hearing, disclose to the other the written statements of witnesses intended to be called at the

hearing: no person shall give evidence at the hearing unless that person's written statement has been so disclosed.

4. The Local Authority's representative shall put the case in the presence of the appellant and his/her representative and may call witnesses.

5. The appellant (or his/her representative(s)) shall have the opportunity to ask questions of the Council's representative(s) on the evidence called by him/her and any witnesses whom he/she may call.

6. Members of the Appeals Committee may ask questions of the Council's representative and witnesses.

7. The appellant (or his/her representative(s)) shall put his/her case in the presence of the Council's representative and to call such witnesses as he/she wishes.

8. The Council's representative(s) shall have the opportunity to ask questions of the appellant and his/her witnesses.

9. Members of the Appeals Committee may ask questions of the appellant and his/her witnesses.

10. The Council's representative(s) and the appellant (or his/her representative(s)) shall have an opportunity to sum up their case if they so wish. The appellant shall have the right of final reply.

11. The Council's representative(s) and the appellant and his/her representative(s) and witnesses shall withdraw.

12. The Appeals Committee, with the officer appointed as its Secretary, shall deliberate in private, only recalling the Council's representative(s) and the appellant and his/her representative(s) to clear points of uncertainty on evidence given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt.

13. The Appeals Committee shall, wherever possible, announce its decision to the parties personally. If, for whatever reason, this is not possible, the Chair of the Appeals Committee will write to all parties within 5 working days of the conclusion of the hearing. In any event the result of the Appeals Committee will be followed up in writing.



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 Town 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 this 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 this policy has been reversed.

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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 address help Council employees improve unsatisfactory unacceptable conduct. ~~and Where the issue is one of unsatisfactory performance, the Capability Policy will be followed.~~ ~~performance in their job.~~ Wherever possible, the Council will try to resolve its concerns about employees' conduct and 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 only apply to work performance conduct issues, to ensure that All alleged instances of employees' underperformance are will be dealt with fairly and in a way that is consistent with required standards by use of the Capability Policy. 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. The Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written 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.

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- 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 2018 (GDPR) and [the data protection fundamental rights and freedoms amendment regulations 2023](#).
- 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.
 - 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. Such matters will be addressed using the Capability Policy
 - Inadequate application of management instructions/office procedures.
 - Inadequate IT skills.
 - Unsatisfactory management of staff.
 - Unsatisfactory communication skills.

The Disciplinary 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 line manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation to be 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 line 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 line 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 normally be a Councillor who has had no direct involvement in the allegations. If the Personnel Committee considers there are no councillors who are free from direct involvement in the allegations, it will appoint its HR Advisors as Investigators or someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Personnel 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. A note taker will be appointed.
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 the threetwo members and who is appointed as Chairman.
 - 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 threewo 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 including note-taking.
 - 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. Before concluding that there is further misconduct as repeat process of a Disciplinary Investigation and Disciplinary Meeting will again take

place. Upon finding that the misconduct allegations are valid, 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 Personnel Committee who have not previously been involved in the case. ~~This includes the Investigator.~~ There may be insufficient members of the Personnel committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the Personnel Committee. Alternatively the Council's HR Advisory Company may be called in advise. 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.



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 line manager.
3. This policy confirms:
 - Employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative, or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider, or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his/her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - The Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
 - Any changes to specified time limits must be agreed by the employee and the Council.
 - An employee has the right to appeal against the decision about his/her grievance. The appeal decision is final.
 - Information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR).
 - Audio or video recordings of the proceedings at any stage of the grievance procedure 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 Policy 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 Policy 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 line 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 (eg the Council's HR Advisory Company) 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 the Sub-committee 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 Sub-Committee 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.

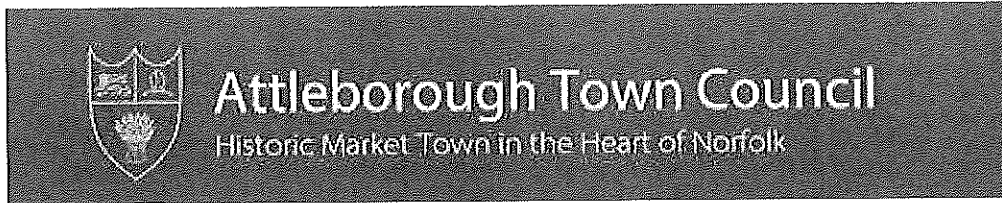
- The employee (or companion) will have the opportunity to sum up the case.
 - A grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Sub-committee Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The Appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the Personnel Committee. An appeal must be received 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.

If new evidence has come to light since the grievance meeting, it may be appropriate to repeat the Grievance Meeting depending on the information received.

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.



ATTLEBOROUGH TOWN COUNCIL

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Safeguarding Policy

SECTION 1

Introduction

Everyone has a duty to safeguard children, young people and vulnerable adults. This policy promotes good practice in safeguarding for those using Town Council facilities. The Town Council will review it annually.

Definitions

Children and young people:

Anyone under the age of 18 years

Vulnerable Adult: Anyone over 18 who is:

- Unable to care for themselves
- Unable to protect themselves from significant harm or exploitation
- Or may be in need of community care services

To whom this policy applies

- This policy applies to anyone working for or on behalf of the Town Council whether in a paid, voluntary or commissioned capacity, for example contracted to do a piece of work.
- It also applies to any individual using the Town Council facilities for the purpose of delivering any service to children, young people or vulnerable adults.

SECTION 2

Promoting a safe environment

In order to promote a safe environment for children, young people and vulnerable adults, the Town Council will:

- Provide safe facilities and do regular safety assessments.
- Ensure that employees, councillors and leaders of activities in / on Town facilities, are aware of the safeguarding expectations.
- Ensure that the policy for users of Town facilities includes a requirement that they are safe to work with children, young people and vulnerable adults. (e.g., any adults who have regular unsupervised contact with children, young people or vulnerable adults during the course of their duties should undergo appropriate Disclosure and Barring Service checks.)

- Ensure that attendees at functions, e.g. Fireworks evening, are aware that parents are responsible for their children's safety and the location of a dedicated safe place for lost children is clear.
- Display on notice boards the relevant safeguarding contacts for advice and help. See Appendix poster.

Use of facilities by groups for use with children, young people or vulnerable adults (e.g. clubs / organisations regularly using the Recreation Ground) Town Council will require the leaders to:

- Have public liability insurance.
- Have a suitable safeguarding children, young people and vulnerable adult policy and/or agree to work to the Town Council's policy and relevant guidance.
- Ensure leaders make their members aware of the Town Council Policy and ensure that it is followed whilst using Town facilities.
- Ensure leaders have valid enhanced DBS checks as appropriate and know where the first aid box is.
- Do risk assessments for individual activities.

SECTION 3

Safe working practice

All users of Town Facilities must follow the safeguarding children, young people and vulnerable adult's policy and procedures at all times. For example, they should:

- Never leave children, young people or vulnerable adults unattended with adults who have not been subject to a Disclosure and Barring Service (DBS) check.
- Plan activities to involve more than one person being present or at least in sight or hearing of others. Alternatively, record, or inform others of their whereabouts and intended action.
- Where possible, have male and female leaders working with a mixed group.
- Ensure registers are complete and attendees are marked in and signed out (under 8's must be collected by a parent/carer).
- Ensure that photos or videos of individuals are not taken without written permission from parents/ carers.
- Ensure they have access to a first aid kit and telephone and know fire procedures. Ensure that where a child, young person or vulnerable adult needs assistance with toilet trips and when first aid is required, that this is carried out in pairs or in the latter case, that it is carried out where they can be seen.
- When working outside, ensure activities, breaks and clothing are suitable for the weather conditions and that shelter is available where possible.

Expectations of behaviour

All users of Town Facilities should:

- Ensure that communications, behaviour and interaction with users should be appropriate and professional.
- Treat each other with respect and show consideration for other groups using the facilities.

- Refrain from any behaviour that involves racism, sexism and bullying and in addition to report any instances of such behaviour to group leaders, Town councillors, the CEO & Town Clerk or parents and carers, as appropriate.

SECTION 4

Allegations against staff and volunteers

- All staff and volunteers should take care not to place themselves in a vulnerable position with a child or vulnerable adult.
- If an allegation is made against a member of staff or volunteer, the person receiving the allegation will immediately inform the Chairman of the Town Council.
- The Town Council should follow the guidelines set out in the Norfolk Safeguarding Children Partnership (NSCP) procedures for managing allegations against staff/volunteers:

<https://www.norfolk.gov.uk/article/40532/Norfolk-Safeguarding-Children-Partnership>.

- No attempt should be made to investigate or take action before consultation with the <https://norfolklscp.org.uk/>

Whistleblowing

All staff and volunteers should be aware of their duty to raise concerns about the attitude or actions of colleagues and appropriate advice will be sought from the NCC Local Authority Designated Safeguarding Officer (LADO) or Safeguarding Team.

What should be a cause for concern Staff and volunteers should be concerned by any action or inaction, which significantly harms the physical and/or emotional development of a child or vulnerable adult. Abuse falls into four main categories and can include child sexual exploitation and female genital mutilation:

1. Physical Abuse
2. Emotional Abuse
3. Sexual Abuse
4. Neglect

All staff and volunteers coming in to contact with children need to have an awareness of safeguarding. Free introductory online training or more specific face to face safeguarding training can be booked at: www.norfolkscb.org.uk

All agencies working with children are recommended to follow the multi-agency procedures at: www.norfolklscb.org.uk

Useful Safeguarding Contact Details

Contact Email Telephone Multi-Agency Safeguarding Hub (MASH)

<https://www.norfolk.gov.uk/article/39170/Multi-agency-safeguarding-hub-MASH>

If someone is in immediate danger call 999. If you are concerned about a vulnerable adult, call 0344 800 8020. If you are concerned about a child call 0344 800 8021

Contact Email Telephone Local Authority Designated Officer

To report an allegation against a person in a position of trust LADO@norfolk.gov.uk

For safeguarding matters concerning staff in early years and childcare settings please contact the LADO on 01603 223473 during office hours or email LADO@norfolk.gov.uk. The LADO consultation/referral form can be found at <https://www.norfolklscb.org/people-working-with-children/how-to-raise-a-concern/>.

Children's Advice and Duty Service (CADS) – For general safeguarding issues and training please contact the CADS Team: 0344 800 8021.

<https://communitydirectory.norfolk.gov.uk/Services/8938/Children-s-Advice-an>

Adopted: April 2024



Social Media and Electronic Communication Policy

The use of digital and social media and electronic communication enables the Town Council to interact in a way that improves the communications both within the Town Council and between the Town Council and the people, businesses and agencies it works with and serves.

The Town Council has a Website, Facebook page, ~~Twitter account~~ and uses email to communicate. The Town Council will always try to use the most effective channel for its communications. Over time the Town Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur, this Policy will be updated to reflect the new arrangements.

The Town Council Facebook pages and ~~Twitter account~~ intends to provide information and updates regarding activities and opportunities within our Parish and promote our community positively.

Communications from the Town Council will meet the following criteria:

- Be civil, tasteful and relevant;
- Not contain content that is knowingly unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive;
- Not contain content knowingly copied from elsewhere, for which we do not own the copyright;
- Not contain any personal information, other than necessary basic contact details;
- If official council business, it will be moderated by either the Chairman/Vice Chairman of the Town Council or the Clerk to the Town Council;
- Social media will not be used for the dissemination of any political advertising.

In order to ensure that all discussions on the Town Council page are productive, respectful and consistent with the Council's aims and objectives, we ask you to follow these guidelines:

- Be considerate and respectful of others. Vulgarity, threats or abuse of language will not be tolerated.
- Differing opinions and discussion of diverse ideas are encouraged, but personal attacks on anyone, including the Town Council members or staff, will not be permitted.
- Share freely and be generous, but be aware of copyright laws; be accurate and give credit where credit is due.

- Stay on topic.
- Refrain from using the Council's Facebook page or Twitter site for commercial purposes or to advertise market or sell products.

The site is not monitored 24/7 and we will not always be able to reply individually to all messages or comments received. However, we will endeavour to ensure that any emerging themes or helpful suggestions are passed to the relevant people or authorities. Please do not include personal/private information in your social media posts to us.

Sending a message/post via Facebook or Twitter will not be considered as contacting the Council for official purposes and we will not be obliged to monitor or respond to requests for information through these channels. Instead, please make direct contact with the council's CEO & Town Clerk and/or members of the Council by emailing enquiries@atleboroughtc.org.uk

We retain the right to remove comments or content that includes:

- Obscene or racist content;
- Personal attacks, insults, or threatening language;
- Potentially libellous statements;
- Plagiarised material; any material in violation of any laws, including copyright;
- Private, personal information published without consent;
- Information or links unrelated to the content of the forum;
- Commercial promotions or spam;
- Alleges a breach of a Council's policy or the law.

The Town Council's response to any communications received not meeting the above criteria will be to either ignore, inform the sender of our policy or send a brief response as appropriate. This will be at the Council's discretion based on the message received, given our limited resources available.

Any information posted on the Facebook page not in line with the above criteria will be removed as quickly as practically possible.

Repeat offenders will be blocked from the Facebook page.

The Town Council may post a statement that 'A post breaching the Council's Social Media Policy has been removed'.

If the post alleges a breach of a Council's policy or the law the person who posted it will be asked to submit a formal complaint to the Council or report the matter to the Police as soon as possible to allow due process.

Where posts do not meet these expectations, we will endeavour to remind users of these rules and ask that they take action to remove inappropriate content and refrain from further infringements in the future.

The Town Council reserves the right to remove, hide or mute content from our social media pages which we consider to be inappropriate.

Where necessary - in extreme cases or if people continue to break the above rules after receiving a warning about previous use being considered to be inappropriate - the council reserves the right to block or ban users from interacting with the council via any and all social media channels.

The Council will not enter into debate or discussion on this matter.

Town Council Website

Where necessary, we may direct those contacting us to our website to see the required information, or we may forward their question to one of our Town Councillors for consideration and response.

We may not respond to every comment we receive particularly if we are experiencing a heavy workload.

Please also be aware of the Council's Policy for Dealing with Persistent or Vexatious Complaints/Harassment and the Freedom of Information Act when asking for information.

The Town Council may, at its discretion, allow and enable approved local groups to have and maintain a presence on its website for the purpose of presenting information about the group's activities.

The local group would be responsible for maintaining the content and ensuring that it meets the Town Council's 'rules and expectation' for the web site. The Town Council reserves the right to remove any or all of a local group's information from the web site if it feels that the content does not meet the Town Council's 'rules and expectation' for its web site. Where content on the web site is maintained by a local group it should be clearly marked that such content is not the direct responsibility of the Town Council.

Town Council Email

The CEO & Town Clerk to the Council has their own council email address but all correspondence must first be sent to: enquiries@attleboroughtc.org.uk

The email account is monitored mainly during office hours, Monday to Friday (excepting Bank Holidays), and we aim to reply to all questions sent as soon as we can.

- The CEO & Town Clerk, or delegated Officer/staff member, is responsible for dealing with email received and passing on any relevant mail to members or external agencies for information and/or action.
- All communications on behalf of the Council will usually come from the CEO & Town Clerk or delegated Officer/staff member, and otherwise will always be copied to the CEO & Town Clerk.
- These procedures will ensure that a complete and proper record of all correspondence is kept.

Councillor email Responsibility

~~Individual Councillors are at liberty to communicate directly with Parishioners in relation to their own personal views, if appropriate, copy to the CEO & Town Clerk. N.B.~~

~~However, please be aware, a~~Any emails sent by a Town Councillor on behalf of any Council business ~~copied to the CEO & Town Clerk~~ become official and are subject to the Freedom of Information Act and General Data Protection Regulations.

"Healthy cyber security is key to the efficient and productive running of every council"
<https://www.local.gov.uk/councillors-guide-cyber-security>

The Town Council Cyber Insurer's recommends use of a same domain email account on a portable device provided by the Town Council. This is to ensure the adequate antivirus Software is installed and updated and that the device is encrypted by a strong password.

In the event a Councillor chooses not to use this medium for their email account and is found to have inadequate software antivirus and password security installed, they must consider they are personally liable for any breach of confidentiality and/or any resulting financial fines as it is in violation of the Terms and Conditions to the Town Council's Cyber Insurance Policy.

SMS (texting)

Members and the CEO & Town Clerk may use SMS as a convenient way to communicate at times. All are reminded that this policy also applies to such messages.

Video conferencing e.g. Teams/Zoom/Skype. If this medium is used to communicate please note that this policy also applies to the use of videoconferencing.

Images

To use images of minors under the age of 18 and/or vulnerable adults, written consent must be obtained. Please complete relevant forms on page 4.

Internal communication and access to information within the Town Council

The Town Council is continually looking at ways to improve its working; the use of social media and electronic communications is a major factor in delivering improvement.

Town Councillors are expected to abide by the Code of Conduct in all their communications regardless of the medium

You must treat others with respect – do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

You must comply with equality laws – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.

You must not bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be constructed as bullying or intimidation.

You must not bring your office or the Council into disrepute - you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council and Officers.

You must not disclose confidential information – you must not, in your use of social media, just as in any other circumstance, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.

Inadvertent leaks of the Council's confidential information are more likely to take place when a member is using social media, rather than, for example say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate conversational, off-the cuff nature of much social media communication.

Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

As more and more information become available at the press of a button, it is vital that all information is treated sensitively and securely. Town Councillors are expected to maintain an awareness of the confidentiality of information that they have access to and not to share confidential information with anyone.

Failure to properly observe confidentiality may be seen as a breach of the Town Council's Code of Conduct and General Data Protection Regulations and will be dealt with through its prescribed procedures (at the extreme it may also involve a criminal investigation).

To abide by the above, Members should also be careful only to cc essential recipients on emails i.e. to avoid use of the 'Reply to All' option if at all possible, but of course copying in all who need to know and ensuring that email trails have been removed.

Adopted: 1 August 2016xxx
Reviewed at: Attleborough Town Council Meeting 4 July 2020

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To be reviewed as and when appropriate.

Consent Form to Use Image of Child/Children

Your name (block capitals)		
<p>I understand that the photograph/recording may be used in print, broadcast or online material by Attleborough Town Council to promote their work or services.</p> <p>I understand that this photograph/recording will NOT be used.</p> <ul style="list-style-type: none"> For anything which may be viewed as negative in tone or that may cause offence, embarrassment or distress, e.g. drug/alcohol abuse. In any new footage more than 2 years after the date that the video/image was taken. 		
Having read the statement above, do you give your consent for the photograph/video to be taken and used? (please tick appropriate box)	<input type="checkbox"/>	YES, I give my consent for the image/video to be taken and used.
	<input type="checkbox"/>	NO, I do not give my consent for the image/video to be taken or used.
Your signature		
Email address and/or tele No.		
Date (date/month/year)		

Consent Form to Use Image of Anyone Aged 18 years or Over

Your name (block capitals)		
<p>I understand that the photograph/recording may be used in print, broadcast or online material by Attleborough Town Council to promote their work or services.</p> <p>I understand that this photograph/recording will NOT be used.</p> <ul style="list-style-type: none"> For anything which may be viewed as negative in tone or that may cause offence, embarrassment or distress, e.g. drug/alcohol abuse. In any new footage more than 2 years after the date that the video/image was taken. 		
Having read the statement above, do you give your consent for the photograph/video to be taken and used? (please tick appropriate box)	<input type="checkbox"/>	YES, I give my consent for the image/video to be taken and used.
	<input type="checkbox"/>	NO, I do not give my consent for the image/video to be taken or used.
Your signature		
Email address and/or tele No.		
Date (date/month/year)		



Document Retention and Disposal Policy

Approved:
Date of Review: 1st April 2027

1. Introduction

- 1.1 The Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 1.2 Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

2. Scope and Objectives of the Policy

- 1.1 The aim of this document is to provide a working framework to determine which documents are:
 - Retained – and for how long; or
 - Disposed of – and if so by what method.
- 1.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
 - 'With compliments' slips.
 - Catalogues and trade journals.
 - Non-acceptance of invitations.
 - Trivial electronic mail messages that are not related to Council business.
 - Requests for information such as maps, plans or advertising material.
 - Out of date distribution lists.

- 1.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 1.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations.

3. Roles and Responsibilities for Document Retention and Disposal

- 3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 Councils should ensure that all employees are aware of the retention/disposal schedule.

4. Document Retention Protocol

- 4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
 - Facilitate an audit or examination of the business by anyone so authorised.
 - Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
 - Verify individual consent to record, manage and record disposal of their personal data.
 - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this the following principles should be adopted:
 - Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
 - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4 The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

5. Document Disposal Protocol

- 5.1 Documents should only be disposed of if reviewed in accordance with the following:
 - Is retention required to fulfil statutory or other regulatory requirements?
 - Is retention required to meet the operational needs of the service?
 - Is retention required to evidence events in the case of dispute?

- Is retention required because the document or record is of historic interest or intrinsic value?
- 5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.
- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in waste paper bin for disposal.
 - Confidential records or records giving personal information: shred documents.
 - Deletion of computer records.
 - Transmission of records to an external body such as the County Records Office.
- 5.4 The following principles should be followed when disposing of records:
- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Council being prosecuted under the General Data Protection Regulations.
 - the Freedom of Information Act or cause reputational damage.
 - Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
 - Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
 - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 Records should be maintained of appropriate disposals. These records should contain the following information:
- The name of the document destroyed.
 - The date the document was destroyed.
 - The method of disposal.

6. Data Protection Act 1998 – Obligation to Dispose of Certain Data

- 6.1 The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- a) from the data, or
- b) from those data and other information, which is in the possession of, or is likely to come into the possession of, the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

- 6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.
- 6.3 Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:
- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
 - Personal data shall only be obtained for specific purposes and processed in a compatible manner.

- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

7. Scanning of Documents

- 7.1 In general, once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.
- 7.2 As a general rule, hard copies of scanned documents should be retained for three months after scanning.
- 7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

8. Review of Document Retention

- 8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).
- 8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
- *Local Council Administration*, Charles Arnold-Baker, 9th edition, Chapter 11
 - Local Government Act 1972, sections 225 – 229, section 234
 - SLCC Advice Note 316 Retaining Important Documents
 - SLCC Clerks' Manual: Storing Books and Documents
 - *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the *Freedom of Information Act 2000*

9. List of Documents

- 9.1 The full list of the Council's documents and the procedures for retention or disposal are listed overleaf. This is updated in accordance with any changes to legal requirements.

List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Location Retained (Clerks office unless otherwise shown) (NRO = Norfolk Records Office)	Disposal
Minutes Including Committees and Annual Parish Meetings	Indefinite	Archive	NRO	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the Higher Authority
Agendas	1 year	Management		Bin
Acceptance of Office Forms	Term of office plus 4 years.	Management		Confidential waste
Register of members interests	Term of office plus 4 years.	Management		Confidential waste
Accident/incident reports	20 years	Potential claims		Confidential waste
Scales of fees and charges	6 years	Management		Bin
Receipt books of all kinds	6 years	VAT		Bin
Bank statements including deposit/savings accounts	6 years	Audit		Confidential waste
Bank paying-in books	6 years	Audit		Confidential waste
Cheque book stubs	6 years	Audit		Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Paid invoices	6 years	VAT		Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)		Confidential waste

VAT records	6 years generally but 20 years for any VAT on rents	VAT		Confidential waste
Audit Submissions and Reports	6 years	Audit		Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)		Bin
Wages books/payroll	12 years	Superannuation		Confidential waste
Insurance policies	21 years	Must be retained in the event of any public liability claims being made.	NRO	N/A
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management		Bin
Play Area equipment inspection reports	21 years	Potential claims		Bin
Investments	Indefinite	Audit, Management	NRO	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	Ward Gethin Archer Solicitors	N/A
Surveys of Parish Facilities	Indefinite	Archive	NRO	N/A
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant			Bin

Local/historical information including photographs and programmes of events arranged by the Parish Council and Parish Council newsletters.	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	NRO	N/A
Magazines and journals	Retain for as long as they are useful and relevant.			Bin

The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds. Bin if applicable.

Documents from legal matters, negligence and other torts

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. If in doubt, keep for the longest of the three limitation periods.

Negligence, Defamation & Contracts	6 years	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Leases	12 years	Confidential waste.
Sums recoverable by statute	6 years	Confidential waste.
Personal injury	3 years	Confidential waste.
To recover land	12 years	Confidential waste.
Rent	6 years	Confidential waste.
Breach of trust	None	Confidential waste.
Trust deeds	Indefinite	N/A

Record-keeping				
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> ✓ A list of files stored in cabinets will be kept ✓ Electronic files will be saved using relevant file names 	<p>The electronic files will be backed up periodically on a portable hard drive and also in a cloud-based programme.</p>	<p>Management</p>		<p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>
<p>General correspondence</p>	<p>Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.</p>	<p>Management</p>		<p>Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>

Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Documents relating to staff applications (unsuccessful applicants)	Until appointment confirmed.			Confidential waste

Planning Papers				
Applications, Appeals and Trees	Only whilst current. Available on Breckland website.			Bin Bin Bin
Local Development Plans	Retained whilst in force	Reference		Bin
Local Plans	Retained whilst in force	Reference		Bin
Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	NRO	N/A