



## Annual Review of the Effectiveness of Internal Control

### Responsibilities:

The relevant body shall be responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions, and which includes arrangements for the management of risk.

The relevant body shall conduct a review at least once in a year of the effectiveness of its system of internal control"

### Internal Control:

The system of internal control is designed to reduce the financial risk of the Parish Council to an acceptable level.

- The budget position shall be reported to the General Purposes and Finance Committee/Full Council regularly.
- Bank reconciliations shall be performed monthly.
- S137 amounts shall be separately identified in the cash book.
- The limit allowed shall be calculated and never exceeded.
- Petty cash controls:
- Payments & expenditure shall be entered into a petty cash book.
- Receipts and vouchers shall be kept, and VAT reclaimed.
- Petty cash shall maintain a £400 float.
- VAT shall be reclaimed when appropriate – usually quarterly and at least half-yearly.
- Outstanding and uncollectable amounts, including any bad debts shall not be submitted to the council for approval to be written off except with the approval of the RFO and General Purposes & Finance Committee.

### Financial Management:

The Town Council has approved a set of Financial Regulations which set out the way that Council's finances are to be managed and a Financial Risk Assessment. These are reviewed and approved once a year.

The Town Clerk is the Responsible Financial Officer and is responsible for the day-to-day financial management of the Council.

The Council's budget shall be reviewed in detail every Autumn and a recommendation made to the full Council for the precept for the forthcoming year.

Two Councillors, out of the named signatories, must sign all cheques and other financial documents.

The Town Clerk and the committees may authorise payments up to £1000 (up to £5,000 in approved circumstances) without prior reference to Full Council; all cheques must be ratified for payment by Full Council.

The cheque signatory shall check the supporting document at the time of signing, to ensure that the cheque agrees with the amount of the invoice and the payee named on the invoice.

The cheque stub should also be initialled to record that the name on the cheque stub is the same as that on the cheque.

At the year-end, the Council shall ensure that the cash book totals are reconciled to the year-end bank statement and shall sign the cash book as evidence of this check.

**Internal audit:**

The Council has appointed an independent and competent internal auditor and carries out a review of the effectiveness of the internal audit once a year. The auditor reports his/her findings to the Full Council and completes the relevant document.

**External audit:**

The Council's external auditors complete the relevant document; their comments and recommendations are reported to the Full Council.

**Review:**

This review shall be carried out once a year and recorded in the Council's minutes.

Signed.....

Dated.....  
Chairman

Signed.....

Dated.....  
Responsible Financial Officer

**Reviewed: 13 May 2024**

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## Financial Risk Assessment

1. **Financial Records:** are maintained as required; cash books reconciled monthly with bank statements; invoices filed in cheque number order with cheque number added for reference, and receipts entered and numbered.
2. **Salaries, Pensions & Tax:** all employees taxed through PAYE code; salaries, tax, PAYE & pension deductions. Payroll company engaged.
3. **Precept:** budget is calculated in Autumn and presented to Full Council for approval by December; precept is set to reflect the costs of running the town/parish.
4. **VAT:** tax reclaimed when appropriate, usually quarterly.
5. **Borrowings:** none.
6. **Investments:** to be reviewed regularly as appropriate.
7. **Quotes & Expenditure:**
  - a) Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
    - the Council for all items over £999;
    - the RFO, in conjunction with Chairman of Council where appropriate, for any items £999 or below.
    - The RFO shall follow the principles listed in the procurement policy when selecting contracts and making payments under £500 and discretionary expenditure is limited to an accumulative total of £5,000
    - No more than £400 petty cash per month.
8. **Insurance:** cover maintained at all times and reviewed annually. A single policy covers assets and general council activities along with the Town Hall building and its functions.
9. **Legal Powers:** The Town Clerk receives regular training; Councillors are given the opportunity for training.  
Reference Sources: "Parish Councillor's Guide", "Governance & Accountability in Local Councils in England & Wales – A Practitioner's Guide", Richards & Harrop "Local Council Finance", Arnold-Baker "Local Council Administration", "Clerk's Manual".  
Sources of Advice: Norfolk Parish Training Services, SLCC, Council's Solicitor
10. **Minutes:** Upon Council approval, initialled and signed by Chair of meeting; filed sequentially and kept safely indefinitely.

- 11. Electors' Rights:** notice of audit posted on the Town Hall notice board and on website, accounts available on demand; minutes available and Town Clerk's Office and website; public welcome to attend all meetings; 2 No. public participations at allocated time during Full Council/standing committee meetings.
- 12. Register of Interests:** Revised Code of Conduct adopted; all councillors signed a declaration of office including the code and completed a register of interests.
- 13. Document Control:** fire safe cabinets used to store documents. Computer records backed up via Cloud packages. Data Protection legislation to be followed.
- 14. Internal Controls:** Cheques written by Town Clerks Assistant or Town Clerk and entered onto computer accounts; all cheques signed by two named signatories after checking supporting invoice, and cheque stub initialled; list of cheques presented to Full Council. Town Clerk ensures cheques are correct when presented and independent internal auditor appointed to review books and Council procedures.
- 15. Risk Assessments:** separate risk assessments of Council's assets and liabilities carried out. Financial Risk Assessment reviewed annually.
- 16. Register for documents held at solicitors** compiled.

**Adopted:** Full Council 13 May 2019

**Reviewed:** 13 May 2024

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# MEMBER OFFICER PROTOCOL

## Introduction

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

## Officer Advice to Members

8. It must be recognised by all Officers and Members that, in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group (if applicable), combination of groups or any individual Member of the Council.
9. There is now a recognition of political groups and in some Councils, it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. This is not presently the case at Attleborough. However, should this situation arise, Officers may properly be called upon to support and contribute to such deliberations by political groups, but they must at all times maintain political neutrality. All Officers must, when dealing with political groups and individual Members, treat them in a fair and even-handed manner.
10. Support provided by Officers can take different forms, ranging from the normal briefing with a Chairman prior to a meeting to responding to telephone queries. Such support is available to all Members regardless of political affiliation and will be available to all political groups should they become formalised in the future. When support such as this is given both Members and Officers should understand that it must not extend beyond providing information and advice in relation to matters of Council business; Officers should not be involved in advising on matters of party business.
11. Whilst any Member may ask a relevant Officer for written factual information about a service, such requests must be reasonable. Requests will be met, subject to any overriding legal considerations (such as the Data Protection Act) unless the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If that is the case, she/he will raise the matter with the Town Clerk who will discuss the issue with the Member.

## Support Services to Members

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

## Members' Access to Information and to Council Documents

13. Members are free to approach Officers to ask for information in accordance with paragraph 9. This right extends to such information, explanation, and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
14. As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.
15. Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the Member is a member of the body which is meeting and extends not only to reports which are to be submitted to the meeting, but also to any relevant background documents. This right does not, however, automatically apply to background documents relating to certain items which may appear as an exempt item on the agenda for a meeting, e.g. information relating to employees or criminal investigations.



16. The common law right of Members is based on the principle that any Member has prima facie right to inspect Council documents as far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
17. The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that she/he has the necessary "need to know." In this respect a Member has no right to a "roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know."
18. Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. This point is emphasised in the Code of Conduct for Members.

## Officer/Member Relationships

19. It is important that there should be a close working relationship between the Chairman of a meeting and the Officers who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other political groups.
20. For transparency and to help fulfil Member's duty of care to Officers, meetings between the Members and Officers shall be scheduled in the Councils internal diary, which Members and Officers have access to. Officers are entitled to have another Officer and/or appropriate Member (the chairman/deputy of the Council or the chairman/deputy of the Personnel Committee) attend these meetings at their discretion.
21. In relation to action between meetings, it is important to remember that the Council's ~~political-~~ decision-making structure only allows for decisions relating to the discharge of any of the Council's functions to be taken by a meeting or an Officer unless the procedures set out in the Standing Orders are invoked. There is no allowance for such decisions to be taken by a Chairman or indeed by any other single Member.
22. At some meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the Chairman and/or specified Member(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s), who takes the action, and it is the Officer who is accountable for it.
23. Finally, it must be remembered that Officers are accountable to the Town Clerk and that, whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by him/her.

## Correspondence

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

## Conclusion

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



## 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.

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## 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.



## 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, ~~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 ~~R~~request under the Data Protection Act 1998 Section 7. This process is detailed within the Council's Data Protection Policy.

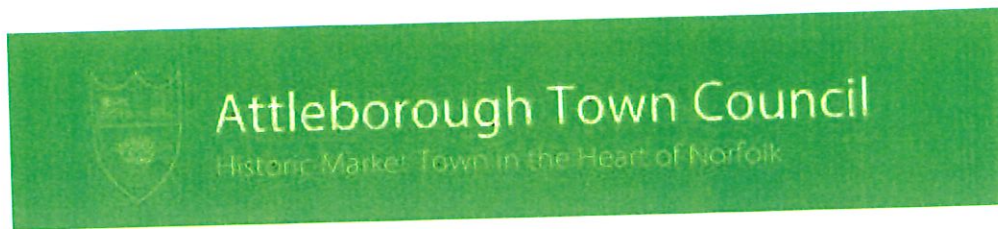
## 13 Information Commissioner

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.

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





## 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.





## 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 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 threewe 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.





## 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 Chair~~man~~/Vice Chair~~man~~ 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 ~~C~~council by emailing [enquiries@attleboroughtc.org.uk](mailto:enquiries@attleboroughtc.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](mailto: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 Officerstaff 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 Officerstaff 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~~ny 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 examplesay**, 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 ~~1 July 2020~~

To be reviewed as and when appropriate.

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**Consent Form to Use Image of Child/Children**

<b>Your name (block capitals)</b>	
<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"> <li>For anything which may be viewed as negative in tone or that may cause offence, embarrassment or distress, e.g. drug/alcohol abuse.</li> <li>In any new footage more than 2 years after the date that the video/image was taken.</li> </ul>	
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.
<b>Your signature</b>	
<b>Email address and/or tele No.</b>	
<b>Date (date/month/year)</b>	

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

<b>Your name (block capitals)</b>	
<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"> <li>For anything which may be viewed as negative in tone or that may cause offence, embarrassment or distress, e.g. drug/alcohol abuse.</li> <li>In any new footage more than 2 years after the date that the video/image was taken.</li> </ul>	
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.
<b>Your signature</b>	
<b>Email address and/or tele No.</b>	
<b>Date (date/month/year)</b>	





## 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 may be 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.



## 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.**





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