

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL

POLICIES

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MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL STANDING ORDERS

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Model standing orders that are in bold type contain statutory requirements. It is recommended that councils adopt them without changing them. Other model standing orders not in bold are designed to help councils operate effectively but do not contain statutory requirements, so they may be adopted as drafted or amended to suit a council's needs. For convenience, the word "councillor" is used in model standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

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1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- d An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- f A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- g If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- h Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- i One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- j A councillor may not move more than one amendment to an original or substantive motion.
- k Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- l During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers

has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

- m A point of order shall be decided by the chairman of the meeting (in conjunction with the Clerk) and his decision shall be final.
- n When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

- Full Council meetings
- Committee meetings
- Sub-committee meetings

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- ■ d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 10 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes unless agreed by the chairman of the meeting.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given, or that the issue will be placed on the next available agenda and fully debated at that time.

i A person who speaks at a meeting shall direct his comments to the chairman of the meeting.

j Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

  k **A member of the Public may not orally report or comment about a meeting as it takes place of a Parish Council or its Committees but otherwise may film photograph or make an audio recording of a meeting, use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**

  l **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

 m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

 n **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

   o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

   p **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

q **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

r The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors present and absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session;
- vi. a summary of the discussion points; and
- vii. the resolutions made.



- s **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**



- t **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.



- u **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

4. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

5. Ordinary council meetings

- a. **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d. **In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.**
- e. **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.** If, at the previous annual meeting of the council the Chairman was elected for a two year period, this will be confirmed at this meeting.
- f. Chairmanship is by rotation; for either an annual or biennial term. All Councillors must be willing to be nominated as Chairman, unless they have valid health or personal reasons not to do so. You will not be expected to act as Chair or Vice Chair until you have completed a minimum of one term of office (4 years). In the absence of any Councillor volunteering to act as Chairman, a name will be drawn randomly from those Councillors who have not previously acted as Chair, do not have valid health or personal reasons for exclusion and have completed more than one term of office.
- g. **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- h. **The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- i. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a**

successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

- j. In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- k. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting may include:
 - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the any meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4 above;
 - ix. Review of representation on or work with external bodies and arrangements for reporting back;
 - x. Review of the council's procedures
 - xi. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - xii. Review of the council's policy for dealing with the press/media; and
 - xiii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a The Chairman of the Council may convene an extraordinary meeting of the council at any time.**

- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chairman of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of a committee .

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

9. Motions for and at a meeting

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless the subject item it is on the agenda. Motions should be submitted to the Proper Officer 7 clear days in advance of the meeting.

- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

10. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

11. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

12. Code of conduct and dispensations

See also standing order 3(t) above.

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- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the

start of the meeting for which the dispensation is required.

- h A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. granting the dispensation is in the interests of persons living in the council's area or**
 - iii. it is otherwise appropriate to grant a dispensation.**

13. Code of conduct complaints

- a** Upon notification by the District or County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b** Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another party to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].
- c** The council may:
 - i.** provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii.** seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d** **Upon notification by the District or County Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

14. Proper Officer

- a The Proper Officer shall be the clerk.
- b The Proper Officer shall:
 - at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email or post, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.

- i. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee** or a sub-committee **(provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
- ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act 2000 and the General Data Protection Regulations, in accordance with and subject to the council's policies and procedures relating to the same;
- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
See also standing order 22 below.
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii. record every planning application notified to the council and the council's response to the local planning authority;
- xiv. manage access to information about the council via the publication scheme; and

15. Responsible Financial Officer

- a The council shall temporarily appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer if the Responsible Financial Officer is absent for a prolonged period of time.

16. Accounts and accounting statements

- a “Proper practices” in standing orders refer to the most recent version of [Governance and Accountability for Local Councils – a Practitioners’ Guide.
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council’s financial regulations.
- c As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council’s receipts and payments for the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- d The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to full Council before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

17. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council’s accounts and/or orders of payments; and

- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £30,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.**

18. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman or vice chairman in his absence, of absence occasioned by illness or other reason and that person shall report such absence at its next meeting.
- c The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by the Chairman and Vice Chairman.
- d Subject to the council's policy regarding the handling of grievance matters, the Clerk shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by four members of council.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman, this shall be communicated to another member of Council, which shall be reported back and progressed by four members of the Council.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Clerk and/or the Chairman of the Council.

19. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the General Data Protection Regulations.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

20. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

21. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures**

22. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Councillors representing the area of the council.

23. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect;
or
 - ii. issue orders, instructions or directions.

24. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

MORETON, BOBINGWORTH AND THE LAVERS PARISH COUNCIL

FINANCIAL REGULATIONS

MARCH 2018

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These Financial Regulations were adopted by the Council at its Meeting held on [.....]

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders¹ and any individual financial regulations relating to contracts.
 - 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
 - 1.3. The council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
 - 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
 - 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
 - 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
 - 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
 - 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
-

- 1.9. The RFO;
- acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the council; and
 - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the

approval of the RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition the council must determine and keep under regular review the bank mandate for all council bank accounts.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.3. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.4. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.5. The internal auditor shall:
 - be competent and independent of the financial operations of the council;
 - report to council a minimum of once per year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 2.6. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the council;
 - initiate or approve accounting transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.7. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.8. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit

Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

- 2.9. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council.
- 3.2. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.3. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. 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
 - and / or the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in January.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is

necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. For this purpose "material" shall be in excess 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.

- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee];
 - b) fund transfers.
- 5.6. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 5.7. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council or Clerk/RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or electronic banking instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.

- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.12. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.13. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.14. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.15. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded. This record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
 - a) by any councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff the council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be

approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.5. All investments of money under the control of the council shall be in the name of the council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.

- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least once every three years.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, and if so required (for sums above £2,000) usually by obtaining three or more quotations or estimates from appropriate suppliers.
- 10.2. A member may not issue an official order or make any contract on behalf of the council.
- 10.3. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

- v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations.
 - c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).
 - d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
 - e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
 - g. Any invitation to tender issued under this regulation shall be subject to Standing Orders and shall refer to the terms of the Bribery Act 2010.
 - h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is above £2,000.
 - i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
 - j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

12. ASSETS, PROPERTIES AND ESTATES

- 12.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 12.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed [£250].
- 12.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 12.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 12.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 12.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

13. INSURANCE

- 13.1. Following the annual risk assessment the RFO shall effect all insurances and negotiate all claims on the council's insurers.

- 13.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 13.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 13.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council.

14. RISK MANAGEMENT

- 14.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

15. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 15.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- 15.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

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MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL

Data Protection Policy

1. Introduction

1.1 This Policy sets out the obligations of Moreton Bobbingworth and the Lavers Parish Council regarding data protection and the rights of its employees (“data subjects”) in respect of their personal data under The General Data Protection Regulations (GDPR) which came into effect in May 2018 provided clear responsibilities for those collecting, using and protecting personal information in addition to those provisions as set out in the UK Data Protection Act 2018.

1.2 The GDPR defines “personal data” as any information relating to an identified or identifiable natural person (a “data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

1.3 This Policy sets the Council’s obligations regarding the collection, processing, transfer, storage, and disposal of personal data. The procedures and principles set out herein must be followed at all times by the Council, its employees, agents, contractors, or other parties working on behalf of the Council.

1.4 The Council is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

2. The Data Protection Principles

2.1 This Policy aims to ensure compliance with the GDPR. The GDPR sets out the following principles with which any party handling personal data must comply. All personal data must be: (a) Processed lawfully, fairly, and in a transparent manner in relation to the data subject. (b) Collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes. (c) Adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed. (d) Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased, or rectified without delay. (e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of the data subject. (f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3. The Rights of Data Subjects

3.1 The GDPR sets out the following rights applicable to data subjects (please refer to the parts of this policy indicated for further details): (a) The right to be informed (Part 12). (b) The right of access (Part 13); (c) The right to rectification (Part 14); (d) The right to erasure (also known as the ‘right to be forgotten’) (Part 15); (e) The right to restrict processing (Part 16); (f) The right to data portability (Part

17); (g) The right to object (Part 18); and (h) Rights with respect to automated decision-making and profiling (Parts 19 and 20).

4. Lawful, Fair, and Transparent Data Processing

4.1 The GDPR seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The GDPR states that processing of personal data shall be lawful if at least one of the following applies: (a) The data subject has given consent to the processing of their personal data for one or more specific purposes; (b) The processing is necessary for the performance of a contract to which the data subject is a party, or in order to take steps at the request of the data subject prior to entering into a contract with them; (c) The processing is necessary for compliance with a legal obligation to which the data controller is subject; (d) The processing is necessary to protect the vital interests of the data subject or of another natural person;

(e) The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller; or (f) The processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

4.2 If the personal data in question is “special category data” (also known as “sensitive personal data”) (for example, data concerning the data subject’s race, ethnicity, politics, religion, trade union membership, genetics, biometrics (if used for ID purposes), health, sex life, or sexual orientation), at least one of the following conditions must be met: (a) The data subject has given their explicit consent to the processing of such data for one or more specified purposes (unless EU or EU Member State law prohibits them from doing so); (b) The processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the data controller or of the data subject in the field of employment, social security, and social protection law (insofar as it is authorised by EU or EU Member State law or a collective agreement pursuant to EU Member State law which provides for appropriate safeguards for the fundamental rights and interests of the data subject); (c) The processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; (d) The data controller is a foundation, association, or other non-profit body with a political, philosophical, religious, or trade union aim, and the processing is carried out in the course of its legitimate activities, provided that the processing relates solely to the members or former members of that body or to persons who have regular contact with it in connection with its purposes and that the personal data is not disclosed outside the body without the consent of the data subjects; (e) The processing relates to personal data which is clearly made public by the data subject; (f) The processing is necessary for the conduct of legal claims or whenever courts are acting in their judicial capacity; (g) The processing is necessary for substantial public interest reasons, on the basis of EU or EU Member State law which shall be proportionate to the aim pursued, shall respect the essence of the right to data protection, and shall provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject; (h) The processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of an employee, for medical diagnosis, for the provision of health or social care or treatment, or the management of health or social care systems or services on the basis of EU or EU Member State law or pursuant to a contract with a health professional, subject to the conditions and safeguards referred to in Article 9(3) of the GDPR; (i) The processing is necessary for public interest reasons in the area of public health, for example, protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or

medical devices, on the basis of EU or EU Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject (in particular, professional secrecy); or (j) The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in accordance with Article 89(1) of the GDPR based on EU or EU Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection, and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

5. Specified, Explicit, and Legitimate Purposes

5.1 The Council collects and processes the personal data set out in Part 21 of this Policy. This includes: (a) Personal data collected directly from data subjects (b) Personal data obtained from third parties.

5.2 The Council only collects, processes, and holds personal data for the specific purposes set out in Part 21 of this Policy (or for other purposes expressly permitted by the GDPR).

5.3 Data subjects are kept informed at all times of the purpose or purposes for which the Council uses their personal data. Please refer to Part 12 for more information on keeping data subjects informed.

6. Adequate, Relevant, and Limited Data Processing

6.1 The Council will only collect and process personal data for and to the extent necessary for the specific purpose or purposes of which data subjects have been informed (or will be informed) as under Part 5, above, and as set out in Part 21, below.

7. Accuracy of Data and Keeping Data Up-to-Date

7.1 The Council shall ensure that all personal data collected, processed, and held by it is kept accurate and up-to-date. This includes, but is not limited to, the rectification of personal data at the request of a data subject, as set out in Part 14, below.

7.2 The accuracy of personal data shall be checked when it is collected and at 6 monthly intervals thereafter. If any personal data is found to be inaccurate or out-of-date, all reasonable steps will be taken without delay to amend or erase that data, as appropriate.

8. Data Retention

8.1 The Council shall not keep personal data for any longer than is necessary in light of the purpose or purposes for which that personal data was originally collected, held, and processed.

8.2 When personal data is no longer required, all reasonable steps will be taken to erase or otherwise dispose of it without delay.

8.3 For full details of the Council's approach to data retention, including retention periods for specific personal data types held by the Council, please refer to our Data Retention Policy.

9. Secure Processing

The Council shall ensure that all personal data collected, held, and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction, or damage. Further details of the technical and organisational measures which shall be taken are provided in Parts 22 to 27 of this Policy.

10. Accountability and Record-Keeping

10.1 With a Data Protection Contact.

10.2 The Data Protection Contact shall be responsible for overseeing the implementation of this Policy and for monitoring compliance with this Policy, the Council's other data protection-related policies, and with the GDPR and other applicable data protection legislation.

10.3 The Council shall keep written internal records of all personal data collection, holding, and processing, which shall incorporate the following information:

10.4 The name and details of the Council, its Data Protection Contact, and any applicable third-party data processors;

10.5 The purposes for which the Council collects, holds, and processes personal data;

10.6 Details of the categories of personal data collected, held, and processed by the Council, and the categories of data subject to which that personal data relates;

10.7 Details of any transfers of personal data to non-EEA countries including all mechanisms and security safeguards;

10.8 Details of how long personal data will be retained by the Council; and

10.9 Detailed descriptions of all technical and organisational measures taken by the Council to ensure the security of personal data.

11. Data Protection Impact Assessments

11.1 The Council shall carry out Data Protection Impact Assessments for any and all new projects and/or new uses of personal data which involve the use of new technologies and the processing involved is likely to result in a high risk to the rights and freedoms of data subjects under the GDPR.

11.2 Data Protection Impact Assessments shall be overseen by the Data Protection Contact and shall address the following: (a) The type(s) of personal data that will be collected, held, and processed; (b) The purpose(s) for which personal data is to be used; (c) The Council's objectives; (d) How personal data is to be used; (e) The parties (internal and/or external) who are to be consulted; (f) The necessity and proportionality of the data processing with respect to the purpose(s) for which it is being processed; (g) Risks posed to data subjects; (h) Risks posed both within and to the Council; and (i) Proposed measures to minimise and handle identified risks.

12. Keeping Data Subjects Informed

12.1 The Council shall provide the information set out in Part 12.2 to every data subject: (a) Where personal data is collected directly from data subjects, those data subjects will be informed of its purpose at the time of collection; and (b) Where personal data is obtained from a third party, the relevant data subjects will be informed of its purpose: (c) if the personal data is used to communicate with the data subject, when the first communication is made; or (d) if the personal data is to be transferred to another party, before that transfer is made; or (e) as soon as reasonably possible and in any event not more than one month after the personal data is obtained. 12.2 The following information shall be provided: (a) Details of the Council including, but not limited to, the identity of its Data Protection Contact; (b) The purpose(s) for which the personal data is being collected and will be processed (as detailed in Part 21 of this Policy) and the legal basis justifying that collection and processing; (c) Where applicable, the legitimate interests upon which the Council is justifying its collection and processing of the personal data; (d) Where the personal data is not obtained directly from the data subject, the categories of personal data collected and processed; (e) Where the personal data is to be transferred to one or more third parties, details of those parties; (f) Where the personal data is to be transferred to a third party that is located outside of the European Economic Area (the "EEA"), details of that transfer, including but not limited to the safeguards in place (see Part 28 of this Policy for further details); (g) Details of data retention; (h) Details of the data subject's rights under the GDPR; (i) Details of the data subject's right to withdraw their consent to the Council's processing of their personal data at any time; (j) Details of the data subject's right to complain to the Information Commissioner's Office (the "supervisory authority" under the GDPR); (k) Where applicable, details of any legal or contractual requirement or obligation necessitating the collection and processing of the personal data and details of any consequences of failing to provide it; and (l) Details of any automated decision-making or profiling that will take place using the personal data, including information on how decisions will be made, the significance of those decisions, and any consequences.

13. Data Subject Access

13.1 Data subjects may make subject access requests (“SARs”) at any time to find out more about the personal data which the Council holds about them, what it is doing with that personal data, and why.

13.2 Employees wishing to make a SAR should do using a Subject Access Request Form, sending the form to the Data Protection Contact at 7 Town Street, Thaxted, Essex CM6 2LD

13.3 Responses to SARs shall normally be made within one month of receipt, however this may be extended by up to two months if the SAR is complex and/or numerous requests are made. If such additional time is required, the data subject shall be informed. 13.4 All SARs received shall be handled by the Council’s Data Protection Contact.

13.5 The Council does not charge a fee for the handling of normal SARs. The Council reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

14. Rectification of Personal Data

14.1 Data subjects have the right to require the Council to rectify any of their personal data that is inaccurate or incomplete.

14.2 The Council shall rectify the personal data in question, and inform the data subject of that rectification, within one month of the data subject informing the Council of the issue. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.

14.3 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal data.

15. Erasure of Personal Data

15.1 Data subjects have the right to request that the Council erases the personal data it holds about them in the following circumstances: (a) It is no longer necessary for the Council to hold that personal data with respect to the purpose(s) for which it was originally collected or processed; (b) The data subject wishes to withdraw their consent to the Council holding and processing their personal data; (c) The data subject objects to the Council holding and processing their personal data (and there is no overriding legitimate interest to allow the Council to continue doing so) (see Part 18 of this Policy for further details concerning the right to object); (d) The personal data has been processed unlawfully; (e) The personal data needs to be erased in order for the Council to comply with a particular legal obligation (f) The personal data is being held and processed for the purpose of providing information society services to a child.

15.2 Unless the Council has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject’s request. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.

15.3 In the event that any personal data that is to be erased in response to a data subject’s request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

16. Restriction of Personal Data Processing

16.1 Data subjects may request that the Council ceases processing the personal data it holds about them. If a data subject makes such a request, the Council shall retain only the amount of personal data concerning that data subject (if any) that is necessary to ensure that the personal data in question is not processed further. 16.2 In the event that any affected personal data has been

disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

17. Data Portability

17.1 The Council processes personal data using automated means. Office 365 and external hard drive storage

17.2 Where data subjects have given their consent to the Council to process their personal data in such a manner, or the processing is otherwise required for the performance of a contract between the Council and the data subject, data subjects have the right, under the GDPR, to receive a copy of their personal data and to use it for other purposes (namely transmitting it to other data controllers).

17.3 To facilitate the right of data portability, the Council shall make available all applicable personal data to data subjects in the following formats:

(a) Email format via office 365 with associated attachments

17.4 Where technically feasible, if requested by a data subject, personal data shall be sent directly to the required data controller.

17.5 All requests for copies of personal data shall be complied with within one month of the data subject's request. The period can be extended by up to two months in the case of complex or numerous requests. If such additional time is required, the data subject shall be informed.

18. Objections to Personal Data Processing

18.1 Data subjects have the right to object to the Council processing their personal data based on legitimate interests, direct marketing (including profiling), and processing for scientific and/or historical research and statistics purposes.

18.2 Where a data subject objects to the Council processing their personal data based on its legitimate interests, the Council shall cease such processing immediately, unless it can be demonstrated that the Council's legitimate grounds for such processing override the data subject's interests, rights, and freedoms, or that the processing is necessary for the conduct of legal claims.

18.3 Where a data subject objects to the Council processing their personal data for direct marketing purposes, the Council shall cease such processing immediately.

18.4 Where a data subject objects to the Council processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under the GDPR, "demonstrate grounds relating to his or her particular situation". The Council is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

19. Automated Decision-Making

19.1 The Council does not use personal data in automated decision-making processes.

19.2 Where such decisions have a legal (or similarly significant effect) on data subjects, those data subjects have the right to challenge to such decisions under the GDPR, requesting human intervention, expressing their own point of view, and obtaining an explanation of the decision from the Council.

19.3 The right described in Part 19.2 does not apply in the following circumstances: (a) The decision is necessary for the entry into, or performance of, a contract between the Council and the data subject; (b) The decision is authorised by law; or (c) The data subject has given their explicit consent.

20. Personal Data Collected, Held, and Processed

20.1 The following personal data is collected, held, and processed by the Council:

Type of Data Purpose of Data Surname Necessary for the performance of an employment contract

Forenames Necessary for the performance of an employment contract

Address, including postcode

Necessary for the performance of an employment contract

Telephone number Necessary for the performance of an employment contract

Nationality For compliance with a legal obligation (Right to work in the UK)

Date of Birth

Necessary for the performance of an employment contract – (Driving insurance, Minimum wage, Security Checks)

National Insurance Number

Necessary for the performance of an employment contract

Criminal Convictions Necessary for the performance of an employment contract (DBS & Vetting)

Emergency Contact details (Name and number)

Necessary to protect the vital interests of the data subject. (Required in case of an emergency)

Conditions of employment

Necessary for the performance of an employment contract

Holiday records Necessary for the performance of an employment contract

DBS Checks

Necessary for the performance of an employment contract & For compliance with a legal obligation.
Vetting Checks Necessary for the performance of an employment contract & For compliance with a

Type of Data Purpose of Data legal obligation.

Working time opt out form

For compliance with a legal obligation.

Training records (Including qualifications)

Necessary for the performance of an employment contract

Appraisal Records Necessary for the performance of an employment contract.

Timesheet records. Necessary for the performance of an employment contract

P45 & P60

Necessary for the performance of an employment contract & For compliance with a legal obligation.

Disciplinary and/or capability records

For the purposes of the legitimate interest pursued by the data controller & Necessary for the performance of an employment contact

Pay records

Necessary for the performance of an employment contract & For compliance with a legal obligation.

Necessary to protect the vital interests of the data subject & for compliance with a legal obligation.

Sickness records

Necessary to protect the vital interests of the data subject & for compliance with a legal obligation.

Training cost agreement

Necessary for the performance of an employment contract

Bank Account Details

Necessary for the performance of an employment contact

P11D For compliance with a legal obligation.

21 Data Security - Transferring Personal Data and Communications

21.1 The Council shall ensure that the following measures are taken with respect to all communications and other transfers involving personal data: (a) All emails containing personal data must be encrypted via Office 365. (b) All emails containing personal data must be marked "confidential"; (c) Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances; (d) Personal data may not be transmitted over a wireless network if there is a wired alternative that is reasonably practicable; (e) Personal data contained in the body of an email, whether sent or received, should be copied from the body of that email and stored securely. The email itself should be deleted. All temporary files associated therewith should also be deleted in Office 365. (f) Where personal data is to be sent by facsimile transmission the recipient should be informed in advance of the transmission and should be waiting by the fax machine to receive the data; (g) Where personal data is to be transferred in hardcopy form it should be passed directly to the recipient or sent using email marked confidential or Royal Mail Recorded delivery. (h) All personal data to be transferred physically, whether in hardcopy form or on removable electronic media shall be transferred in a suitable container marked "confidential".

22 Data Security - Storage

22.1 The Council shall ensure that the following measures are taken with respect to the storage of personal data: (i) All electronic copies of personal data should be stored securely using passwords and windows data encryption; (j) All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely in a locked box, drawer, cabinet, or similar; (k) All personal data stored electronically should be backed up. All backups should be encrypted with access only via permitted password (l) No personal data should be stored on any mobile device (including, but not limited to, laptops, tablets, and smartphones), whether such device belongs to the Council or otherwise without the formal written approval of The Clerk and Proper Officer of the Council and, in the event of such approval, strictly in accordance with all instructions and limitations described at the time the approval is given, and for no longer than is absolutely necessary; and (m) No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of the Council where the party in question has agreed to comply fully with the letter and spirit of this Policy and of the GDPR (which may include demonstrating to the Council that all suitable technical and organisational measures have been taken). 23. Data Security - Disposal

23.1 When any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it should be securely deleted and disposed of.

24. Data Security - Use of Personal Data

24.1 The Council shall ensure that the following measures are taken with respect to the use of personal data: (a) No personal data may be shared informally and if an employee, agent, sub-contractor, or other party working on behalf of the Council requires access to any personal data that they do not already have access to, such access should be formally requested from the Parish Clerk (b) No personal data may be transferred to any employees, agents, contractors, or other parties, whether such parties are working on behalf of the Council or not, without the authorisation of the Parish Clerk (c) Personal data must be handled with care at all times and should not be left unattended or on view to unauthorised employees, agents, sub-contractors, or other parties at any time; (d) If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it; and (e) Where personal data held by the Council is used for marketing purposes, it shall be the responsibility of The Clerk to ensure that the appropriate consent is obtained and that no data subjects have opted out, whether directly or via a third-party service such as the TPS.

25. Data Security - IT Security

25.1 The Council shall ensure that the following measures are taken with respect to IT and information security: (a) All passwords used to protect personal data should be changed regularly and should not use words or phrases that can be easily guessed or otherwise compromised. All passwords must contain a combination of uppercase and lowercase letters, numbers, and symbols. All software used by the Council is designed to require such passwords. (b) Under no circumstances should any passwords be written down or shared between any employees, agents, contractors, or other parties working on behalf of the Council, irrespective of seniority or department. If a password is forgotten, it must be reset using the applicable method. IT staff/contractors do not have access to passwords; (c) All software (including, but not limited to, applications and operating systems) shall be kept up-to-date. The Parish Clerk shall be responsible for installing any and all security-related updates as soon as reasonably and practically possible, unless there are valid technical reasons not to do so; and (d) No software may be installed on any Council-owned computer or device without the prior approval of the Parish Clerk..

26. Organisational Measures

26.1 The Council shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data: (a) All employees, agents, contractors, or other parties working on behalf of the Council shall be made fully aware of both their individual responsibilities and the Council's responsibilities under the GDPR and under this Policy, and shall be provided with a copy of this Policy; (b) Only employees, agents, sub-contractors, or other parties working on behalf of the Council that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by the Council; (c) All employees, agents, contractors, or other parties working on behalf of the Council handling personal data will be appropriately trained to do so; (d) All employees, agents, contractors, or other parties working on behalf of the Council handling personal data will be appropriately supervised; (e) All employees, agents, contractors, or other parties working on behalf of the Council handling personal data shall be required and encouraged to exercise care, caution, and discretion when discussing work-related matters that relate to personal data, whether in the workplace or otherwise; (f) Methods of collecting, holding, and processing personal data shall be regularly evaluated and reviewed; (g) All personal data held by the Council shall be reviewed periodically, as set out in the Council's Data Retention Policy; (h) The performance of those employees, agents, contractors, or other parties working on behalf of the Council handling personal data shall be regularly evaluated and reviewed; (i) All employees, agents, contractors, or other parties working on behalf of the Council handling personal data will be bound to do so in accordance with the principles of the GDPR and this Policy by contract; (j) All agents, contractors, or other parties working on behalf of the Council handling personal data must ensure that any and all of their employees who are involved in the processing of personal data are

held to the same conditions as those relevant employees of the Council arising out of this Policy and the GDPR; and (k) Where any agent, contractor or other party working on behalf of the Council handling personal data fails in their obligations under this Policy that party shall indemnify and hold harmless the Council against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

27. Transferring Personal Data to a Country Outside the EEA

27.1 The Council may from time to time transfer ('transfer' includes making available remotely) personal data to countries outside of the EEA.

27.2 The transfer of personal data to a country outside of the EEA shall take place only if one or more of the following applies: (a) The transfer is to a country, territory, or one or more specific sectors in that country (or an international organisation), that the European Commission has determined ensures an adequate level of protection for personal data; (b) The transfer is to a country (or international organisation) which provides appropriate safeguards in the form of a legally binding agreement between public authorities or bodies; binding corporate rules; standard data protection clauses adopted by the European Commission; compliance with an approved code of conduct approved by a supervisory authority (e.g. the Information Commissioner's Office); certification under an approved certification mechanism (as provided for in the GDPR); contractual clauses agreed and authorised by the competent supervisory authority; or provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority; (c) The transfer is made with the informed consent of the relevant data subject(s); (d) The transfer is necessary for the performance of a contract between the data subject and the Council (or for pre-contractual steps taken at the request of the data subject); (e) The transfer is necessary for important public interest reasons; (f) The transfer is necessary for the conduct of legal claims; (g) The transfer is necessary to protect the vital interests of the data subject or other individuals where the data subject is physically or legally unable to give their consent; or (h) The transfer is made from a register that, under UK or EU law, is intended to provide information to the public and which is open for access by the public in general or otherwise to those who are able to show a legitimate interest in accessing the register.

28. Data Breach Notification

28.1 All personal data breaches must be reported immediately to the Council's with a Data Protection Contact

28.2 If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Data Protection Contact must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it. 28.3 In the event that a personal data breach is likely to result in a high risk (that is, a higher risk than that described under Part 28.2) to the rights and freedoms of data subjects, the with a Data Protection Contact must ensure that all affected data subjects are informed of the breach directly and without undue delay. 28.4 Data breach notifications shall include the following information: (a) The categories and approximate number of data subjects concerned; (b) The categories and approximate number of personal data records concerned; (c) The name and contact details of the Council's with a Data Protection Contact (d) The likely consequences of the breach; (e) Details of the measures taken, or proposed to be taken, by the Council to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

Moreton, Bobbingworth and the Lavers Parish Council

Grievance Policy

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work. (https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf). 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 are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment – see also bullying and harassment policy). Mediation is a dispute resolution process which requires the consent of affected parties and will involve an independent Hr Professional
- 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 (paragraph 4) 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 Epping Forest District council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health

and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman. 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) or under the Council's Bullying and Harrassment Policy, the employee may submit a formal grievance. It should be submitted in writing to the Chairman.
6. The Council will appoint a committee of three members to hear the grievance. The committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the committee.

Investigation

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

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members

- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:

- the Chairman will introduce the members of the 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 does he/she wants the Council to take
- any member of the 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 committee.

11. The Chairman will provide the employee with the 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 committee, he/she may submit a written appeal to the appointed staffing committee. An appeal must be received by the Council within five

working days of the employee receiving the committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, e.g.:
 - a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the 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 staffing 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 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 staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.

Moreton, Bobbingworth and the Lavers Parish Council

Disciplinary Policy

Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work.

https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the

meeting against the employee's wishes or prevent the employee from explaining his/her case

- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

Examples of misconduct

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

Examples of gross misconduct

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

Suspension

- 6 If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
- 7 While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not

contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.

- 8 The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

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

The Procedure

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

If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

- 11 Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

- 12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council's will appoint a staffing committee (usually three Councillors) who will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will

appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:

- the allegations or events that the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

- 14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
- 15 The staffing 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 staffing committee whether or not disciplinary action should be considered under the policy.
- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure

- the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the staffing 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 staffing committee decides that there is a case to answer the staffing staff committee of three councillors will formally hear the allegations. The staffing staff committee will appoint a Chairman from one of its members. The Investigator shall not sit on the staff committee.
- 23 No councillor with direct involvement in the matter shall be appointed to the staff committee. The employee will be invited, in writing, to attend a disciplinary meeting. The staff committee's letter will confirm the following:
- the names of its Chairman and other two members
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
 - a copy of the information provided to the staff committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
 - the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
 - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
 - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

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

- the Chairman will introduce the members of the staff committee to the employee and explain the arrangements for the hearing
- the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chairman will invite the employee to present their account

- the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
 - any member of the staff-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 staffcommittee'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 staff committee.

Disciplinary action

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

First written warning

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

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

Final written warning

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

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal

- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 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 staff 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
- the staff committee's disciplinary decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

30 Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - 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 staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

Moreton Bobbingworth and the Lavers

Equality and Diversity Policy

The council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile,

degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment

The council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Working practices

The council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal opportunities monitoring

The council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the council's privacy notices.

Dignity at work

The council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

People not employed by the council

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

Training

The council will [provide training in/raise awareness of] equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will [provide training to/raise awareness of] all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. [The council will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.]

Your responsibilities

Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the bullying and harassment policy.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Monitoring and review

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law. [In particular, the council will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.]

This is a non-contractual procedure which will be reviewed every three years unless there is a change in legislation.

Moreton, Bobbingworth and the Lavers Parish Council

BULLYING AND HARRASSMENT POLICY

Purpose of Document

To provide guidance to manage and address issues of bullying and harassment in the workplace.

This document will be accessible via the parish council website and is applicable to all staff and council members.

Key related documents: Complaints Procedure Grievance Policy Disciplinary Policy Equality & Diversity: An Equality and Diversity Impact Assessment has been carried out.

Policy Statement

This Policy is a formal document and provides a 'statement of intent' about how the Parish Council will comply with the legislation and issues relating to harassment and bullying. It is a mandatory document and does not allow for variation of practice. It is relevant to staff and council members and includes volunteers and third party contractors. Non-compliance with this Policy may result in disciplinary action. It will be reviewed every 3 years unless there are changes in legislation, directive or agreed variation by full council

Introduction

Moreton, Bobbingworth and the Lavers Parish Council (hereinafter referred to as the Council) is committed to ensuring that all employees and councillors within the organisation are treated with dignity and respect at work and to promoting a working environment that is free from all forms of discrimination, bullying and harassment.

This policy has been developed to give employees and councillors who believe they have been subjected to bullying or harassment a route to raise a complaint either formally or informally in order to resolve the situation.

As part of its overall commitment to equality for a diverse workforce, the Council recognises the right of all employees and councillors to be treated with dignity in all working relationships. This is irrespective of the protected characteristics as outlined in the Equality Act 2010:

- Pregnancy & Maternity
- Marriage & Civil Partnership
- Sexual Orientation
- Sex
- Religion or Belief
- Race
- Gender Reassignment
- Disability
- Age

The Council acknowledges that incidents of harassment and bullying in the workplace may place the recipient in a threatening and intimidating environment as well as adversely affecting his/her performance, health and well being

The Council views harassment and bullying as wholly unacceptable behaviour, which contravenes the Councils policies. Such behaviour will not be tolerated and may result in disciplinary action or legal action against the perpetrator.

Objectives

The Council recognises its duty to ensure that all employees and councillors are aware of the importance of a harassment free workplace. This policy informs employees of the types of behaviour that are unacceptable. It is the duty of employees and councillors to implement and comply with the policy. All employees and councillors carry responsibility for their own behaviour and will be held accountable as such.

Definitions

Bullying: “ a pattern of individual or persistent offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair penal sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self- confidence and which may cause them to suffer stress”.

Harassment: “unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.” This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

Bullying and harassment are behaviours which are unwanted by the recipient They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the Council’s reputation and ultimately, legal proceedings against the Council including payment of legal fees and potentially unlimited compensation.

Examples

Examples of unacceptable behaviour are as follows (this list is not exhaustive):

- Spreading malicious rumours; insulting someone;
- ridiculing or demeaning someone;
- exclusion or victimisation;
- unfair treatment;
- overbearing supervision or other misuse of position or power;
- unwelcome sexual advances;
- making threats about job security;
- demeaning comments about their knowledge;
- making threats of physical violence against a person or their family;
- deliberately undermining a competent worker by overloading work and/or constant criticism; blaming a person for others’ mistakes, preventing an individual’s promotion or training opportunities.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

The Legal Position

Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.

If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

The legal definition of "Third Party Harassment" has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc and it must take reasonable steps to manage such situations which could include seeking legal redress on behalf of an employee or member of the council. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim.

A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance: employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

Process For Dealing With Complaints Of Bullying And Harassment.

Anyone who believes they are being bullied or harassed is asked to maintain a record of the incidents.

Informal approach

A member of staff, Councillor or third party who feels he/ she is being bullied or harassed should try to resolve the problem informally, in the first instance. This could be undertaken by:

- a) speaking to the person(s) involved in the unwanted behaviour, that their conduct is unacceptable, offensive or causing concern;
- b) speaking to the Parish Clerk who will approach the Chairman, in confidence, and the Chairman will act as an intermediary and try to bring the issue to a conclusion which is acceptable to all parties. If the Chairman is implicated the Clerk will liaise with the Deputy Chairman. Similarly if the Clerk is implicated the matter should be raised with the Chairman.

Formal approach Employees

- a) Where an employee of the Council feels unable to resolve the matter informally or an informal approach has been unsuccessful any complaint about harassment or bullying can be raised confidentially and informally, initially with the Parish Clerk.
- b) In the case of bullying or harassment of the Parish Clerk he / she should raise this with the Chair of Council in the first instance or the Deputy Chairman of Council. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The member of staff will be expected to provide evidence of the conduct about which he /she is complaining.

Formal Approach Councillors

- a) Where a Councillor either has been unable to resolve the matter informally or feels unable to resolve the matter informally, the matter should be raised, in confidence, with the Parish Clerk.
- b) The Parish Clerk will liaise with the Chairman, or if the Chairman is implicated the Deputy Chairman, and arrangements will be made for an independent third party, who is a HR specialist, to investigate the matter and try to reach an outcome which is satisfactory to all parties.
- c) At all times the confidentiality of the complaint will be of paramount importance in order to maintain trust in the process. Details of the complaint will not be shared with the Council without prior approval by the aggrieved. The Council will undertake not to victimise the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

At any time either during the formal or informal process Councillors may of course make a formal complaint to the Monitoring Officer under the Councillors Code of Conduct. If this route is undertaken the internal process will cease.

It should be noted that this policy is not intended to replace or undermine the Code of Conduct but it is recognised by both NALC and the Monitoring Officer of Epping Forest District Council that formal complaints under the Code of Conduct are very long winded, slow and public, and because of this can overshadow or disrupt the day to day business of the Council. The purpose of this internal policy is to hopefully resolve issues as expeditiously and effectively as possible.

Third Party Contractors and Others

Anyone else who has business with the Council, other than an employee or Councillor, who feels he / she is being bullied or harassed should raise their complaint with the Parish Clerk. The complaint will be investigated by the Chairman and one other member of the Council and a meeting held, if necessary, to discuss the facts and recommend the way forward.

Disciplinary Action

Following an informal or formal investigation into allegations of bullying or harassment or a Grievance Hearing a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an employee found to have been bullying / harassing others this will follow the Council's Disciplinary procedure and will be treated as Gross Misconduct.

For Councillors whom it is reasonably believed have been bullying or harassing another person(s) or Councillor whilst undertaking Council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc., may be appropriate, or referral to the Monitoring Officer for further investigation and decision. In such cases the documentation from the internal investigation will be made available to the Monitoring Officer

The range of disciplinary sanctions available to the Council, where a member has been involved in bullying/harassment include:

- a) Admonishment and an undertaking not to repeat the process;
- b) removal of opportunities to further harass/bully;
- c) banning from committees of the Council and representation on any outside bodies;
- d) referral to the Monitoring Officer for further investigation and decision. In such cases the documentation from the internal investigation will be made available to the Monitoring Officer;
- e) there may also be a referral to the Police under the Protection from Harassment Act 1997, or a claim to an Employment Tribunal for Third Party 9 harassment (for harassment relating to one of the protected characteristics under the Equality Act).

This list is not exhaustive.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.

Bullying and harassment by any employed persons of one another can be considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council.

If elected members are bullying or harassing Council employees, contractors, fellow councillors, or members of the public and it cannot be resolved informally a referral to the Monitoring Officer as a contravention of the Code of Conduct will be an appropriate measure.

If an employee is experiencing bullying or harassment from a member of the public the Council will act reasonably in upholding its duty of care towards its own employees. Such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.

In some cases harassment can constitute a criminal offence and the Council will take appropriate legal advice and action if such an issue arises.

Behaviour That Constitutes A Criminal Offence

Where an individual is alleged to have committed a criminal offence related to work (e.g. during work time, on work premises or involving a service user), the Council recognises its duty to notify the Police, but responsibility to pursue such claims rests with the victim of the offence. Victims of harassment may be able to seek a civil injunction against behaviour, which has caused distress, or may cause distress in the future.

A legal adviser can provide information about this option. It is possible that the Council could be found liable under law for incidents of harassment or bullying behaviour in the workplace. The alleged harasser/bully could also be personally liable for acts of harassment, discrimination or assault. Employees who feel they have experienced unlawful or unreasonable treatment during the course of their work are strongly encouraged to follow this procedure and bring the matter to the attention of any of the designated contacts within this policy, before taking further action.

Unfounded Allegations Of Bullying Or Harassment

If an employee makes an unfounded allegation of bullying or harassment for malicious reasons, this will be investigated and dealt with fairly and objectively under the Council's Disciplinary Procedure. Whenever a case of bullying or harassment arises, the Council will take the opportunity to examine its policy, procedures and working methods to see if they can be improved. A review of the policy shall be undertaken as appropriate; necessary amendments will be undertaken by the Parish Clerk and reported to the Council for approval.

Equality & Diversity Statement

The Council will ensure that this document is applied in a fair and reasonable manner that does not discriminate on such grounds as race, gender, disability, sexual orientation, age religion or belief.