

Boughton Malherbe Parish Council
Employment Policy and Procedures

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Equality Statement

We are committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on grounds of gender, marital status, race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the company.

Our commitment is:

- to create an environment in which individual differences and the contributions of all our staff are recognised and valued;
- to a working environment that promotes dignity and respect to all employees. No form of intimidation, bullying or harassment will be tolerated;
- to train, develop and make available progression opportunities to all staff;
- to equality in the workplace as good management practice and sound business sense;
- to review all our employment practices and procedures to ensure fairness;
- to treat breaches of our equality policy as misconduct and reason for disciplinary proceedings;
- to monitor and review this policy annually.

Appointments

Vacancies for a Clerk shall be advertised upon the Notice Boards and the website and also sent to the KALC website.

The full Council shall shortlist and interview candidates. A final decision rests with the full Council.

Salary Reviews

Revision of employees' salaries and hourly payment rates shall be made by the Staffing Committee as below stated:

- a) the review of the Clerk's salary being carried out in November or December of each year;

- b) budgetary provision being made for all salary increases in the Parish Council budget and Precept
- c) all salary increases being paid on 1 April each year.
- d) In the case of a member of staff fulfilling a condition for a salary increase this shall be paid upon meeting the requirement as stated in the contract.

Performance Appraisals and Personal Development Plan

Performance Appraisals shall be conducted annually one year after appointment by the Staffing Committee.

Disciplinary Procedure (Employer)

If such problems arise, the Council's will deal with the matter fairly and in accordance with this Disciplinary Procedure.

Any complaint or allegation regarding the conduct of the Clerk shall, in the first instance, be referred to the Chairman of the Council who will, in the case of a first and relatively minor misdemeanour, deal with it informally.

During any informal discussion, the Chairman of the Council will point out any shortcomings and encourage improvement.

Where the facts of the case appear to call for disciplinary action, the Chairman of the Council will decide whether the misdemeanour amounts to misconduct or gross misconduct. The appropriate procedure will then be followed.

If the outcome of the informal discussion is that an improvement is required, the Clerk will be advised that he or she is being given a verbal warning.

It is important that the Clerk knows how conduct will be reviewed and over what period. In addition, he or she must be aware of the consequences of a lack of improvement or if further misconduct occurs.

A note giving details of the verbal warning will be retained on file and a copy given to the employee who should confirm its receipt in writing.

If no further disciplinary action is required within 6 months of issuing the verbal warning, the note should be removed from file.

The employee shall be advised in writing of his or her right of appeal to the Council's Staffing Committee.

If the outcome of an informal discussion is that a serious offence has occurred, or there has been no improvement following a verbal warning, the employee will receive a formal written warning from the Chairman of the Council.

The written warning will set out the nature of the offence, the improvement required, a timescale where applicable and the consequences of no improvement or further misconduct.

A note giving details of the formal written warning will be retained on file and a copy given to the employee who should confirm its receipt in writing.

If no further misconduct relative to the same warning occurs and the improvement required is sustained, then the note will be removed from the employee's file at the end of 9 months.

The employee shall be advised in writing of his or her right of appeal to the Council's Staffing Committee.

If there has been no improvement following a written warning, or the misconduct is sufficiently serious to warrant only one written warning, the employee will receive a final written warning from the Chairman of the Council.

The warning will detail the misconduct, warn the employee that dismissal will result if there is no satisfactory improvement, giving a time scale if necessary, and notify him or her of the right of appeal to the Council's Staffing Committee.

If no further misconduct relative to the same warning occurs and the improvement required is sustained, then the note will be removed from the employee's file at the end of 12 months.

The Chairman of the Council shall notify the Council of any final written warnings given.

If there is no improvement following a final written warning, the Chairman shall instruct the Clerk to the Council to convene a meeting of the Staffing Committee.

Following the recognised agenda for such hearings, the Staffing Committee shall consider the cases of both the Chairman of the Council and the Clerk to the Council.

The Clerk may be accompanied by a representative of the trade union to which they belong (who may or may not be a work colleague) or by a work colleague, friend or adviser not acting in a legal capacity.

The Staffing Committee shall decide “in camera” whether dismissal is justified and will communicate the decision to the parties concerned verbally after the close of the meeting should the parties so wish.

In the event of the Staffing Committee being unable to make the decision (eg because of the Committee's need to seek further advice), the reason for not reaching a decision shall be conveyed in writing to the parties concerned.

In any event, the decision of the Staff Disciplinary Committee will be conveyed in writing within 5 working days.

If the employee wishes to appeal against the decision of the Staffing Committee, he or she must do so in writing to the Chairman of the Council within 21 working days of the date of the decision notice.

On receipt of such notice of appeal, the Chairman of the Council shall instruct the Clerk to the Council to convene a meeting of the full council. The full council will consider the case according to this Procedure and will communicate their decision in writing to the parties concerned.

The decision of the full council shall be final

Gross Misconduct

Where the Chairman of the Council concludes that the misdemeanour amounts to gross misconduct, the Council shall immediately be informed and the Council shall decide whether the employee will be suspended on full pay while the matter is investigated.

The Council shall convene a meeting of the Staffing Committee who shall consider the case as if at the stage of a final written warning.

The Clerk may appeal to the full council whose decision shall be final.

Examples of offences that could be regarded as gross misconduct are theft; fraud; being unable to perform duties satisfactorily due to the influence of drink or illegal drugs whilst at work or on Council premises; disclosure of confidential information; deliberate damage to Council property or that of other employees or members of the public; disorderly, indecent or violent behaviour during employment or whilst on Council premises; acts of incitement or actual acts of harassment or discrimination on the grounds of sex, race, religion or age; negligence which could endanger employees and members of the public; any breaches of computer security.

Grievance Procedure (employee)

Boughton Malherbe Parish Council recognises the need for a fair, speedy and consistent process for any employee of the Council to raise a grievance in connection with their employment and will seek to resolve any matters arising from such a procedure.

An employee must first raise his or her grievance verbally or in writing with the Chairman of the Council.

The Chairman shall attempt to resolve the matter by informal discussion and respond to the employee as soon as possible, within five working days at a maximum. The response to a written request shall be in writing and a copy kept by the respondent who will also keep a note of any verbal grievance aired and response given.

It is expected that most grievances will be resolved at the informal stage and it may be necessary to repeat the procedure to reach a satisfactory conclusion for all concerned.

Where it becomes evident that the matter cannot be resolved informally, an employee can instigate the formal procedure.

An employee must submit his or her grievance in writing to the Chairman of the Council who shall instruct the Clerk to the Council to convene an extraordinary meeting of the Parish Council Staffing Committee within 10 working days.

The press and the public shall not be admitted to the extraordinary meeting of the Staffing Committee.

The Staffing Committee shall consider the cases of both the employee and the person who has sought to resolve the matter and shall ask such questions of the parties concerned as the Council deems necessary.

Any employee of the Council attending such a hearing may be accompanied by a representative of the trade union to which he or she belongs (who may or may not be a work colleague), or by a work colleague, friend or adviser not acting in a legal capacity.

The Staffing Committee will seek to reach a decision "in camera" and communicate the decision to the parties concerned verbally after the close of the meeting if the parties so wish.

In the event of the Staffing Committee being unable to make the decision (e.g. because of the Council's need to seek further advice), the reason for not reaching a decision will be conveyed to all parties concerned.

In any event, the decision will be conveyed in writing within 7 working days.

If the complainant wishes to appeal against the decision of the Parish Council, then he or she must do so in writing to the Chairman of the Council within 10 working days of the date of the decision notice.

On receipt of such notice of appeal, the Chairman of the Council shall instruct the Clerk to the Council to convene an extraordinary Meeting of the Parish Council within 10 working days. The Council shall consider the case and communicate its decision in writing to all parties concerned.

The decision of the Parish Council at a second extraordinary Meeting shall be final.

Should the complainant still not be satisfied, employment arbitration can be sought at the suggestion of either party.

Amended November 2017

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