



Human Resources Policy

Equality

COUNCIL'S COMMITMENT

Sherfield Park Parish Council believes that equality and inclusion is a fundamental principle which underpins thriving and caring communities, where people are treated with dignity and respect whatever their background, creed or circumstances. The Council will seek to make decisions and act in ways that reflect the community it serves, where everyone feels empowered to contribute in their own, unique way.

This policy is fully supported by all Members of the Council and Employees of Sherfield Park Parish Council who oppose all forms of unlawful and unfair discrimination whether it is direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010. It is committed to the promotion and delivery of equal opportunities in the work place and in the delivery of services.

In all its activities the council will have due regard to the aims of the Equality Duty:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 took effect on 1 October 2010 and replaces the previous antidiscrimination legislation. It simplifies the law removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in order to help tackle discrimination and inequality.

The Public Sector Equality Duty is a key measure in the Act which came into force on 5 April 2011. All public bodies and organisations carrying out public functions have a duty to consider the needs of all individuals in their day to day work – in shaping policy, in delivering services and in relation to their own employees. The Public Sector Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. The purpose of this policy is to provide equal opportunities for everyone who comes into contact with Sherfield Park Parish Council; irrespective of their characteristics (unless it can be shown that the treatment is a proportionate means of achieving a legitimate aim).

LEGAL POSITION

To discriminate against someone means to treat them less favourably, to harass or victimise them or to subject them to a provision, criterion or practice which puts them at a disadvantage.

It is unlawful to discriminate against an individual on the grounds of the following 'protected characteristics' (as defined in the Act):

- Age
- Disability
- Gender
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership

EQUAL OPPORTUNITY FOR EMPLOYEES

All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration 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 council.

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work policy adopted by the council.

The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing Society as a whole.

Breaches of this policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the council's Discipline and Grievance Procedure.

The council adopts the majority of the model employment contract clauses as devised by the employee professional body in the local government sector (the Society of Local Council Clerks). The policy will be monitored and reviewed annually. Other personnel policies will be reviewed against the values stated in this Equal Opportunities policy to ensure that the council strives to remain an Equal Opportunities employer.

Equality issues will be an influence on its policies and decisions and the needs of all individuals in day to day work will be considered.

Lone Working

Sherfield Park Parish Council will take every practicable step to protect the health, safety and welfare of its employees and Councillors whenever they are required by the nature of their duties to work alone and without direct support and supervision. The Council's employees are expected to work alone and for some staff lone working is the norm. Whilst working alone is not in itself unsafe there may be circumstances where working alone can increase risks.

The Council recognises that there may be increased risks to staff who are required to work alone which could include visiting domestic residences and/or commercial premises. This policy is to help the Council and staff to reduce these risks. The policy applies to all employees and Councillors and for the purposes of this policy lone working is defined as any activity or function performed on behalf of Sherfield Park Parish Council without any close supervision or other employees.

ORGANISATION AND ARRANGEMENTS

(a) Sherfield Park Parish Council is responsible for:

- The lone working arrangements of employees
- Determining the contents of this policy
- Ensuring that there are arrangements for identifying, evaluating and managing risk associated with lone working
- Ensuring compliance with the policy and providing resources for putting the policy into practice
- Making sure that employees and councillors are aware of this policy
- Making sure that appropriate support is given to employees and Councillors involved in any incident.

(b) The Clerk to the Council is responsible for:

- Making sure that risk assessments are carried out and reviewed regularly
- Reporting annually to the Full Council on any incidents and actions taken. Any serious incident will be reported to the Chairman immediately and reported at the Council meeting following the incident.

(c) All employees and Councillors engaged in lone working are responsible for:

General - Taking reasonable care of themselves and other people who may be affected by their actions and should:

- Follow all rules and regulations laid down by the Parish Council
- Report all incidents that may affect the health and safety of themselves or others
- Take part in training designed to meet the requirements of this policy
- Report any dangers they identify or any concerns they might have
- Employees and Councillors must take reasonable care not to put themselves at undue risk. If they feel that they could be at particular risk unless additional precautions are taken then they should discuss this with the Clerk or Chairman.
- The Clerk will be available to members of the public during agreed hours (by appointment if necessary) at the Council office. The Clerk can request for one Councillor of choice to be present.

Work/Job specific

- Recognising and assessing potentially high-risk activities before carrying out any work activity and put in place appropriate arrangements to carry out the identified task safely to mitigate risk associated with working alone
- Planning the visit – let someone know time of leaving, where going and estimated time of return and if appropriate request an additional Councillor or the Clerk to also be present. Ig

a one-on-one meeting is planned, this should be discussed with the Clerk prior to the meeting taking place.

- Ensuring that you are properly trained and have the skills and knowledge to do your job safely and without risks to health. If you feel that you need extra training then discuss this with the Chairman

Confrontation/ Attacks

- Try to avoid confrontation. If a situation does become heated try to stay calm. If violence is threatened it is best to withdraw
- In the event that an employee or Councillor suspects that a violent attack is imminent it may be possible to use a mobile telephone to summon assistance (e.g. 999 for the police). Heated arguments can suddenly escalate to the point at which violence is used and in practice there may be little time to call for help
- In addition, and if appropriate, complete a form detailing visits from aggressive or potentially dangerous individuals

Flexible Working

Sherfield Park Parish Council recognises that many employees may have personal responsibilities and obligations in addition to their work responsibilities. The Council also appreciates that, at times, it can be difficult to balance those demands. Requests to vary working hours will be given full consideration and will be discussed with the employee with the understanding that any agreed flexible working arrangements must take into account the wider business needs of the Council.

The policy applies to all eligible Sherfield Park Parish Council employees and provides a framework within which the Council can fulfil its business objectives and provide flexibility regarding working hours and arrangements for employees on open ended and fixed term contracts who meet the eligibility criteria defined within the specific sections of this policy.

Parish Council employees in normal circumstances can request flexible working arrangements provided they:

- have been continuously employed by Sherfield Park Parish Council for 26 weeks.
- have not made an application for flexible working in the last 6 months (except in cases where the new application relates to a characteristic covered by the Equality Act 2010).

An employee can request a change to the following:

- the hours when they are required to work.
- the times when they are required to work.
- how work is to be carried out between home and the office (where appropriate).

An employee must submit a written request to their line manager, which contains the following:

- A clear statement that it is an application (for flexible working) and the date on which the application is being made.
- The specific change applied for, its duration and the date of the proposed change.
- States if and when the employee has made a previous application for flexible working.

- Whether the request is being made in relation to the Equality Act 2010, e.g. as a reasonable adjustment for a disability.

On receipt of the request the line manager will consider the details and arrange a meeting with the employee to discuss the application. Areas for consideration should include the following:

- whether an informal or formal arrangement is appropriate
- whether the application is being made for a permanent or temporary change (if it is the latter, the meeting should include a discussion about the timeframe)
- the operational needs of particular departments
- the reason for the application for flexible working
- the preference of individuals and consideration of individual circumstances
- the differing preferences of individuals within any particular team or department
- key periods, days or hours that might need to be worked.

All applications for flexible working under these arrangements will be actively and positively considered. However, the operational requirements of the Council will take precedence and Sherfield Park Parish Council may have to refuse an application should the proposal result in one or more of the following:

- An unacceptable burden of additional costs to the Council.
- A detrimental effect on council's capability to meet operational requirements.
- An inability to re-organise work among existing staff.
- An inability to recruit additional employees.
- A detrimental impact on quality.
- A detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work
- Planned organisational changes.

The employee will be provided with a written response to the application within 14 days of the meeting. If the application is refused then full written reasons for the refusal will be given.

Toil and Leave

Sherfield Park Parish Council recognises its duty to protect the health, safety and wellbeing of its staff by ensuring that they do not work too many hours and that they are recompensed by taking time off in lieu (TOIL) for any extra time that they are requested to work.

Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours.

This policy addresses the informal daily working arrangements of staff in terms of Time off in Lieu (TOIL) rather than long term alterations to work patterns. Staff interested in permanent/long term working pattern alterations should consult the Clerk for guidance in the first instance.

The Working Time Regulations 1998 state that staff must not work in excess of 13 hours per day (including rest breaks) and that staff should not work in excess of an average of 48 hours per week unless they have previously agreed this with Council and signed an opt out agreement to the Working Time Regulations.

It is expected that staff are able to complete their job in their contracted hours. However, whilst not encouraged, it is recognised that on occasions and when discussed and agreed, staff may need to work additional time, thereby accruing TOIL.

The requirement for overtime may be due to a variety of reasons such as an increased volume of regular work, a temporary crisis in resourcing, to cover absences, to catch up on slipping deadlines or to resource one off projects that cannot be carried out within working hours. This policy also applies to officers who are required to attend evening meetings and requested to work at weekends.

The operation of TOIL depends on mutual trust. Any suspected abuse of TOIL, such as claiming more hours than actually accrued, may be treated as a disciplinary matter

Disciplinary & Grievance

This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievances at work. The policy is designed to help council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

This policy confirms:

- The council will fully investigate the facts of each case
- The council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective.
- Employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
- Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any disciplinary, investigatory or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- The council will give employees reasonable notice of any meetings in this procedure. The employee must make all reasonable efforts to attend any meeting. Failure to attend any meeting may result in it going ahead in the employee's absence and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make a written submission.
- 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
- 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 Data Protection Act 1998

- Recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- Employees have the right to appeal against any disciplinary action. 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 an oral warning, written warning, final written warning or dismissal
- 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 council's and the employee's consent

Examples of misconduct - Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

- 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 - 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:

- Bullying, discrimination and harassment
- Incapacity at work because of alcohol or drugs
- Violent behaviour
- Fraud or theft
- Gross negligence
- Gross insubordination
- Serious breaches of health and safety rules
- Serious and deliberate damage to property
- Use of the internet or email to access pornographic, obscene or offensive material
- Disclosure of confidential information

Examples of unsatisfactory work performance

- Inadequate application of office procedures
- Inadequate IT skills
- Unsatisfactory management of staff
- Unsatisfactory communication skills

DISCIPLINARY INVESTIGATION

The council will appoint a minimum of two investigators who will be responsible for undertaking the investigation – a fact-finding exercise to collect all relevant information. The investigators will be independent and will normally be councillors.

The Council will authorise the Personnel & Policy Group to manage the investigation and make recommendations back to the council.

If the Council 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 investigators will be appointed as soon as possible after the allegations have been made. The Council will inform the investigators of the terms of reference of the investigation. The terms of reference should deal with the following:

- What 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 report
- Who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed

The investigators will be asked to submit findings to P&P who will make a recommendation to Full council regarding any further action. A report will be submitted within 20 working days of appointment. In cases of alleged unsatisfactory performance or 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 (see 6 below).

The Council will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the investigators. The employee will be given at least five working days' notice of the meeting with the investigators 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 the process. The employee should 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 investigators, he/she will have the opportunity to comment on the allegations of misconduct.

Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

If there are other persons (e.g. employees, councillors, members of the public or the council's contractors) who can provide relevant information, the investigators should try to obtain it from them in advance of the meeting with the employee.

The investigators have no authority to take disciplinary action. Their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Council whether or not disciplinary action should be taken.

The investigators' report will contain their recommendations and the findings on which they were based. They 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
- The employee has a case to answer and there should be action under the councils' disciplinary procedure

The investigators will submit the report to the Council which will decide whether further action will be taken. 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

If the Council decides that there is a case to answer, it will appoint a panel of two councillors – a chair and another, who may, as required invite an external resource to advise the panel. The investigators shall not sit on the panel. No councillor with direct involvement in the matter shall be appointed to the panel. The employee will be invited, in writing, to attend a disciplinary meeting. The panel'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 investigation report, all the supporting evidence and a copy of the council's disciplinary procedure
- The time, date and place for the meeting, the employee will be given reasonable notice of the hearing (at least 15 working days) 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 five working days before the meeting
- That the employee and the council will provide each other with all the supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five 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 disciplinary meeting will be conducted as follows:

- The chairman will introduce the members of the panel to the employee
- The investigators will present the findings of the investigation report
- The chairman will set out the council's case and present supporting evidence (including any witnesses)
- The employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- Any member of the panel and the employee (or the companion) may question the investigators and any witness
- The employee (or the companion) will have the opportunity to sum up his/her case
- The chairman will provide the employee with the panel'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
- The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the panel

Disciplinary Action

If the panel decides that there should be disciplinary action, it may be any of the following:

Oral warning - An oral warning is issued for most first instances of minor misconduct. The council will notify the employee:

- The reason for the 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 oral 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 six months

Written warning - If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A 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 12 months

Final written warning - If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, 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 18 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

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 panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal.

The Appeal

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.

The grounds for appeal include:

- A failure by the council to follow its disciplinary procedure
- The sub-committee's 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

The appeal will be heard by a panel of two members who have not previously been involved in the case. This includes the investigators. External persons may be invited – including councillors from outside the parish. The appeal panel will appoint a chairman from one of its members.

The employee will be notified, in writing, within 10 working days of receipt of the notice of the 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.

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 Council
- Explain the action that the appeal panel may take

The employee (or the companion) will be asked to explain their grounds for appeal.

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 hearing.

The appeal panel may decide to uphold the decision of the Council, 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.

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. The appeal panel's decision is final and Full Council will be informed of this decision.

Safeguarding - Child Protection and Vulnerable Adults

Sherfield Park Parish Council believes that it is always unacceptable for any person to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all by a commitment to practice which protects them. We recognise that:

- The welfare of all is paramount. Everyone regardless of gender, marital status, race, ethnic origin, nationality, national origin, disability, sexual orientation, religion or age, have the right to equal protection from all types of harm or abuse

- Working in partnership with all stakeholders is essential in promoting welfare.

The purpose of the policy:

- To provide protection for all who receive Sherfield Park Parish Council services, including employees.
- To provide staff and volunteers with guidance on procedures they should adopt in the event that they suspect someone may be experiencing, or be at risk of, harm.

This policy applies to all staff, Parish Councillors and members of the organising groups or users of community groups using Sherfield Park Parish Council facilities.

We will seek to safeguard children, young people and vulnerable adults by:

- valuing them, listening to and respecting them
- adopting safeguarding guidelines through procedures and a code of conduct for staff and volunteers recruiting staff and volunteers safely, ensuring all necessary checks are made
- sharing information about safeguarding and good practice with all staff and facilities users
- sharing information about concerns with agencies who need to know, and involving parents and children appropriately
- provide effective management for staff and volunteers through supervision, support and training.

Should an individual have a concern, they should report it to the Clerk of the Parish Council confidentially as soon as possible, and the Clerk would then refer it as soon as possible to either:

Hampshire County Council Children Services
(<http://www3.hants.gov.uk/child-protection>)

or

Hampshire County Council Adult Services
<http://www3.hants.gov.uk/adultsocialcare/adulthealthandwellbeing/service731>

If the concern is considered as an emergency, then the individual should report it to the police via a 999 call prior to contacting the Clerk.

This policy was approved and adopted by the Parish Council on 10th July 2020