

Bullying and Harassment Policy

1. Introduction

- 1.1 Lyme Regis Town Council will not tolerate bullying or harassment of or by, any of its employees, officials, members, contractors, visitors to the council or members of the public.
- 1.2 The council is committed to the elimination of any form of intimidation in the conduct of its business.
- 1.3 This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees to protect them from bullying and harassment. It should be read in conjunction with the council's grievance and disciplinary policies and procedures.
- 1.4 The council will issue this policy to all employees and to all members. The council may also wish to share this policy with contractors, visitors and members of the public as necessary.

2. Definitions

- 2.1 ~~These definitions are derived from the ACAS (Advisory, Conciliation and Arbitration Service) guidance on the topic:~~

- 2.1.1 **Bullying – this definition is derived from the ACAS (Advisory Conciliation and Arbitration Service) guidance on the topic**

~~Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.~~

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

- 2.1.2 **Harassment – this definition is derived from the Protection from Harassment Act 1997**

~~Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy 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.~~

Harassment is defined as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

2.2 Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, employment tribunal or other court cases and payment of unlimited compensation.

3. Examples

3.1 Examples of unacceptable behaviour include:

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, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone, through social media, or through automatic supervision methods.

3.2 It [unacceptable behaviour] may occur on or off work premises, during work hours or non-work time, while employees are acting in the course of their employment.

4. Scope

4.1 This policy applies to all employees who have a contract of employment with the council, including employees working on temporary and fixed term contracts, officials, members and visitors to the council or members of the public. Issues relating to the conduct of agency workers or contractors should be referred to the employing agency.

4.2 The council will not tolerate bullying or harassment of an employee or member from a third party with whom the council has dealings and will make every reasonable effort to prevent such behaviour. Employees should report such conduct to their manager, and members should report such conduct to the Mayor, as soon as practically possible. The council does not necessarily have the ability to exercise control over third parties; however, every reasonable effort will be made to ensure the complaint is dealt with effectively.

4.3 The council will investigate all allegations of inappropriate behaviour. The nature/seriousness of the allegation will determine whether the council considers informal resolution of such complaints through day-to-day management processes or whether it would be necessary and appropriate to deal with the issue formally by initiating the council's disciplinary policy and procedure.

4.4 If an employee is not satisfied with the action taken to resolve such issues they may submit a formal complaint under the council's grievance policy and procedure.

5. Sanctions

5.1 Bullying and harassment are considered examples of serious misconduct and may result in summary dismissal from the council for employees, or through referral to the monitoring officer as a contravention of the Code of Conduct for Members.

5.2 In extreme cases, harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.

6. Legislation

6.1 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.

6.2 Under the following laws bullying or harassment may be considered unlawful discrimination:

6.2.1 Sex Discrimination Act 1975

6.2.2 Race Relations Act 1976

6.2.3 Disability Discrimination Act 1995

6.2.4 Employment Equality (Sexual Orientation) Regulations 2003

6.2.5 Employment Equality (Religion or Belief) Regulations 2003

6.2.6 Employment Equality (Sex Discrimination) 2005

6.2.7 Employment Equality (Age) Regulations 2006

[6.2.8 Equality Act 2010](#)

[6.2.9 Trade Union Labour Relations Consolidation Act 1992](#)

[6.2.10 Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations 2000](#)

6.3 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.

6.4 In addition, a harasser may be personally liable to pay damages if a victim complains to an employment tribunal for sexual, racial, disability or age discrimination.

Bullying and Harassment Procedure

1. Introduction

- 1.1 The principal aim of this procedure is to provide a framework for employees who believe they are being harassed, bullied or victimised to raise a complaint. It also provides managers with a fair and consistent procedure to follow when they receive a complaint from an employee. The principles and processes contained within this procedure also apply to others with whom the council works, including members.
- 1.2 While allegations of harassment will be taken very seriously, every effort will be made to resolve issues that arise informally. However, those incidents which are serious in nature i.e. threatening behaviour, swearing at colleagues, will be dealt with immediately under the formal procedure.
- 1.3 Disciplinary action, which may include dismissal, will be taken if there is found to be substance to any allegation and in cases where allegations made by an employee are deliberately false, vexatious or malicious.
- 1.4 Complaints raised in line with this procedure will be treated as confidential and therefore not be discussed with anyone not involved in the procedures.

2. Support available for employees

- 2.1 Employees are encouraged to seek advice and support about any examples of unwanted conduct even if they are unsure the incident constitutes harassment or bullying or whether they wish to pursue the complaint. Talking about a situation will help to clarify matters and allow the options to be explored.
- 2.1 Employees who are a member of a trade union organisation may wish to contact their trade union representative for support if they feel they are being bullied and/or harassed.

2. Process for dealing with complaints

2.1 Informal approach

- 2.1.1 This stage is outside of the formal procedure and applies where the harassment is not serious enough to warrant immediate formal action or has not been repeated.
- 2.1.2 The manager dealing with the complaint, or in the case of members, the Mayor, should at this point refer to the informal stage of the council's grievance policy and procedure.
- 2.1.3 In cases of bullying and harassment, the following factors should be considered in addition to the grievance procedures:
 - 2.1.3.1 It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.
 - 2.1.3.2 Those who feel able to, can seek to resolve the situation informally by:
 - i. Approaching, or writing to the alleged harasser directly and making it clear that the behaviour in question is offensive, is unwelcome and must be stopped;

ii. Approaching the alleged harasser with the support of a colleague or trade union representative.

2.1.3.3 If it is too difficult for the employee to do this personally, a designated representative may approach the alleged harasser on the employee's behalf.

2.1.3.4 The employee, or their designated representative, should make a note of the conversation, or keep a copy of the letter sent to the alleged harasser, and any response, which will be used in formal procedures if necessary.

2.2 Formal approach

2.2.1 Where the nature of the harassment is such that the council has no alternative but to deal with the matter formally, where the employee would prefer to go through the formal stage, or if the harassment continues the formal procedures should be used.

2.2.2 The manager dealing with the complaint should at this point refer to the procedures contained in the formal stage of the council's grievance policy and procedure.

2.2.3 In cases of bullying and harassment, the employee or member may request a manager of the same sex to prevent embarrassment.

3. Initial meetings during the formal stage

3.1 Initial meetings will take the same form as outlined in the council's grievance policy and procedure.

3.2 In cases of bullying and harassment, the manager will hold separate meetings with the complainant and the alleged harasser and confirm that the complaint is being dealt with under the formal bullying and harassment procedures.

4. Avoiding contact between the complainant and alleged harasser

4.1 If there is an issue about the complainant and the alleged harasser continuing to work together the line manager must give consideration to:

4.1.1 Suspending both parties on full pay;

4.1.2 Suspending the alleged harasser on full pay (suspension does not imply that the employee is guilty of the allegations made against them);

4.1.3 Transferring the alleged harasser to a different department or team.

4.2 The complainant must not be moved, or be pressured to move, unless it is specifically requested.

4.3 All parties must be informed that during the formal procedures there should be no communication between them, either directly or indirectly, in relation to any allegations. Disciplinary action may be taken in the event that contact takes place.

5. Investigating complaints of harassment

5.1 The manager dealing with the complaint should at this point refer to the investigation and hearing procedures contained in the formal stage of the council's grievance policy and procedure.

5.6 In cases of bullying and harassment, possible outcomes and actions that might be considered are as follows:

5.6.1 If a complaint is not upheld or the evidence is inconclusive, mediation sessions could be offered with both parties or voluntary transfers could be considered;

5.6.2 If there is sufficient evidence of serious unacceptable conduct, formal disciplinary action must be taken by referring to the council's disciplinary policy and procedure.

5.6.3 If a complaint is upheld and the behaviour was unintentional and the actions regretted, counselling could be offered to both parties to repair any damage done to the working relationship, awareness training provided for the perpetrator, or consideration given to using the council's disciplinary policy and procedure.

5.7 The complainant should be informed that action has been taken at a level that the manager believes is appropriate, but must give consideration to the alleged harasser's entitlement to confidentiality.

6. Complaints from others

6.1 Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with a councillor, where possible, or the monitoring officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment.

6.2 The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels he/she has been bullied or harassed by any member or officer(s) of the council should use the council's official complaints policy and procedure.

6.3 For members who the council reasonably believe have been bullying or harassing another person(s) while undertaking council activities or in relation to any activities associated with the council the action taken must be reasonable and in some cases counselling or training in appropriate skill areas, i.e., interpersonal communication, assertiveness, chairmanship may be more appropriate than a penalty. This is in accordance with section ~~1.2 of the council's Code of Conduct for Members, which states: 'He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory'~~ 2 of the council's Code of Conduct for Members, which states: As a councillor: I do not bully any person; I do not harass any person; I promote equalities and do not discriminate unlawfully against any person.

6.4 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 Policy and Procedure and/or a referral to the monitoring officer.



STATEMENT OF POLICY ON:-

**The Local Government Pension
Scheme 2014 Discretions**

by

Lyme Regis Town Council

Policy effective from

15 February 2017

Statement of Policy on:

- The Local Government Pension Scheme Regulations 2013 [R]
- The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 [TP]
- The Local Government Pension Scheme (Administration) Regulations 2008 [A]

- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [T]
- The Local Government Pension Scheme Regulations 1997 (as amended) [L]
- The Local Government Pension Scheme (Miscellaneous Regulations) 2012 [E]

The Employing Body which is

Lyme Regis Town Council

has resolved that the following Discretions available in the Statutory Instrument, should be implemented in compliance with the Local Government Pension Scheme Regulations as set out below:-

PART A - where formulation of policy is compulsory

Regulation	Policy Decision
<p>Regulation 16 [R]</p> <p>Power of employing authority to contribute to a shared cost APC scheme</p> <p>Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.</p>	<p>This option will only be exercised in circumstances of redundancy or termination of services on the grounds of the efficiency of the service. In all such cases any reward will relate to age and length of service and will be determined by the council on the recommendation of the Human Resources Committee.</p>
Regulation	Policy Decision
<p>Sch 2, para 2 (2) & (3) [TP]</p> <p><u>Power of employing authority to apply 85 Year Rule before age 60</u></p> <p>Whether to "switch on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits from pre 01/04/2014 membership where the employer has "switched on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p>	<p>The council will only exercise this discretion in exceptional cases.</p>

Regulation	Policy Decision
<p>Regulation 30 (6) & (8) [R] and 11 (2) [TP]</p> <p><u>Flexible retirement</u></p> <p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.</p>	<p>There is no blanket consent for staff to flexibly retire and draw immediate payment of pension benefits. Each flexible retirement request will be considered on its merits and will only be agreed if it is in the council's interest to do so.</p> <p>The council will not normally exercise this discretion. This does not however preclude the council from waiving the actual reduction in exceptional circumstances should it so decide.</p>
Regulation	Policy Decision
<p>Regulation 30 (8) [R]</p> <p><u>Power of employing authority to waive actuarial reduction</u></p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.</p>	<p>The council will only exercise this in exceptional cases.</p>
Regulation	Policy Decision
<p>Regulation 31 [R]</p> <p><u>Power of employing authority to grant additional pension</u></p> <p>Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (of no more than the higher additional pension limit that applies at the time of the decision).</p>	<p>The council will only exercise this in exceptional cases.</p>

Regulation	Policy Decision
<p>Regulation 30 (2) & (5) [B]</p> <p><u>Power of employing authority to grant early payment of deferred benefits</u></p> <p>Regulation 30 (2) Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60.</p> <p>Regulation 30 (5) Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under Regulation 30(2) [B].</p>	<p>Any such request will be determined by the council on its merits taking into account factors such as the requirements of the service, the effect on the staffing structure and cost.</p> <p>The council will only exercise this discretion in exceptional cases.</p>

Regulation	Policy Decision
<p>Regulation 30A (3) & (5) [B]</p> <p><u>Power of employing authority to grant early payment of suspended tier 3 ill health pension</u></p> <p>Regulation 30A (3) Whether to grant application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60.</p> <p>Regulation 30A (5) Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under Regulation 30 A [B].</p>	<p>The council will only exercise this discretion in exceptional cases.</p> <p>The council will only exercise this discretion in exceptional cases.</p>

Regulation	Policy Decision
<p>Regulation 31 (2) & (5) [L]</p> <p><u>Power of employing authority to grant early payment of deferred pension</u></p> <p>Regulation 31 (2) Grant application from a post 31.03.98 / pre 01.04.08 leaver or from a councillor for early payment of benefits on or after age 50 / 55 and before age 60.</p> <p>Regulation 31 (5) Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under Regulation 31 (2).</p>	<p>Any such request will be determined by the council on its merits taking into account factors such as the requirements of the service, the effect on the staffing structure and cost.</p> <p>The council will only exercise this discretion in exceptional cases.</p>
Regulation	Policy Decision
<p>Regulation 31 (7A) [L]</p> <p><u>Power of employing authority to grant early payment of deferred pension for pre 01.04.08 employee optants out and councillors.</u></p> <p>Councillor optant outs and pre 01.04.08 employee optants out only to get benefits paid from NRD if employer agrees.</p>	<p>Any such request will be determined by the council on its merits taking into account factors such as the requirements of the service, the effect on the staffing structure and cost.</p>

PART B - where formulation of a written policy is **not** compulsory

Regulation	Policy Decision
<p>Regulation 9 (1) & (3) [R]</p> <p><u>Contributions payable by active members</u></p> <p>Employers determine the contributions payable by members by attributing each member to one of the contribution bands set out in Regulation 9 (2) [R]. Employers have the capacity to re-attribute the specific payband (upwards or downwards) where there is a material change in a member's contractual terms.</p>	<p>The council will allocate employees to the appropriate contribution according to salary on 1st April annually and amend it if there is a contractual change.</p>
<p>Regulation 22 (7) (b) and (8) (b) [R]</p> <p><u>Facility to extend time limits for active members to not aggregate deferred periods of LGPS membership</u></p> <p>Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment or ongoing concurrent employment.</p>	<p>The council will normally only consider extending the time limit of 12 months to allow employees to transfer the value of a previous pension in the scheme if there is clear evidence that they had not been informed of, or could not reasonably have known of, the time limit. If exceptional circumstances exist, the council may consider an extension on a recommendation from the Human Resources Committee.</p>
<p>Regulation 100 (6) [R]</p> <p><u>Facility to extend time limits for active members to request a transfer of previous pension rights into the LGPS</u></p> <p>Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within 12 months of becoming an active member. Employers, with agreement of Administering Authority, may allow a longer period than 12 months.</p> <p>JOINT DISCRETION WITH ADMINISTERING AUTHORITY</p>	<p>The council will normally only consider extending the time limit of 12 months to allow employees to transfer the value of a previous pension in the scheme if there is clear evidence that they had not been informed of, or could not reasonably have known of, the time limit. If exceptional circumstances exist, the council may consider an extension on a recommendation from the Human Resources Committee.</p>

Other non-compulsory discretions are available for **Lyme Regis Town Council** to consider, and cases where these may arise in the future will be considered on an individual basis; the merits of each case being fully investigated.

The **Lyme Regis Town Council** in exercising the discretionary powers available under the above Regulations has acted with due prudence and propriety and considered the financial impact of applying the discretions.

These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.

Signature:

Signed on behalf of: **Lyme Regis Town Council**

Date:

Please PRINT name of person signing:

The LGPC Secretariat's understanding of the discretions which exist within the LGPS regulatory framework and the parties responsible for exercising those discretions can be found at the website below. In particular, it details their understanding of the new discretions applicable from April 2014.

Also on this webpage is a discretions policies document, setting out in more detail the LGPC Secretariat's understanding of the discretions that employers should have a policy on. This will be of use while compiling your policy.

www.lgpsregs.org/index.php/guides/administration-guides-to-the-2014-scheme

Performance Appraisal Policy

1. Purpose

- 1.1 To ensure every member of staff has a formal annual appraisal interview to review their previous year's performance and to determine their targets and development needs for the forthcoming year.
- 1.2 To ensure staff performance is regularly reviewed during the course of the year and that staff are supported in the attainment of their objectives and development needs.
- 1.3 Where appropriate, employee progression through the salary scale is informed by the satisfactory completion of targets identified in their annual performance appraisal.

2. Policy Context

- 2.1 That employees' work:
 - 2.1.1 supports the town council's objectives
 - 2.1.2 promotes the town council's values
 - 2.1.3 delivers the operational requirements of the town council.

Performance Appraisal Procedure

1. Introduction

- 1.1 This procedure supports the performance appraisal policy and should be read in conjunction with this policy.

2. Procedure

- 2.1 In January each year, ~~following a prior resolution of the Human Resources Committee, and~~ to coincide with the completion of the annual budget and objective-setting process, the ~~chairman of the Human Resources Committee~~ mayor will meet with the town clerk to:

- 2.1.1 review ~~his/her~~ their performance against the current financial year's targets

- 2.1.2 identify targets for the forthcoming financial year

- 2.1.3 identify development and training needs for the forthcoming financial year

- 2.2 The town clerk's performance, along with ~~his/her~~ their targets and development needs for the forthcoming year, will be reported, in confidence, to the Human Resources Committee in ~~February~~ the first cycle of meetings each year.

- 2.3 Following the town clerk's performance appraisal interview, the town clerk will meet with the deputy town clerk ~~and~~ the operations manager, the finance manager and the support services manager to start the process of cascading performance appraisal interviews through the organisation.

- 2.4 The annual appraisal process must be cascaded through the organisation before end-March. In each instance:

- 2.4.1 employees will be given 10 working days' notice of their annual appraisal interview

- 2.4.2 performance appraisal interviews must be conducted in private and without interruption

- 2.4.3 a fixed pro-forma must be used to record the appraisal interview

- 2.4.4 a slot of two hours should be set aside for each appraisal interview

- 2.4.5 a written record of the appraisal interview must be completed and signed by the manager. A copy must be retained by the manager and a copy given to the employee within five days of the interview

- 2.4.6 the employee has five days to comment on and sign the written record of the appraisal interview. If no comment is received, a copy of the interview will be marked, 'Final Version', and given to the employee.

3. Regular One-to-Ones

- 3.1 The annual appraisal process must be supported by regular one-to-one meetings between managers and employees. The frequency of these meetings will be determined by the manager but must not be less than every three months.

3.2 The meetings must review progress against performance appraisal and operational targets.

3.3 The meetings must also consider behaviours, relationships, attendance, performance, risk, and health and safety. They must also discuss improvements that can be made.

3.4 These interviews must be recorded and a copy of the notes given to the employee.

4. Appeal

4.1 If an employee disagrees with their appraisal, they should discuss this with their line manager. If agreement is reached, ~~then~~ the written record will be amended, signed and marked 'Final Version'.

4.2 If agreement cannot be reached, the matter will be referred to the town clerk within five working days. The line manager and the employee will be given the opportunity to meet with the town clerk to discuss the points of disagreement. The town clerk must inform the line manager and employee of their decision within five working days and amend the record of the appraisal interview accordingly.

4.3 The decision of the town clerk is final.

4.4 If the employee disagreeing with their annual appraisal is the deputy town clerk, ~~or~~ operations manager, [finance manager or support services manager](#), the appeal will be heard by the chairman of the Human Resources Committee. [The decision of the chairman of the Human Resources Committee is final.](#)

4.5 If the employee disagreeing with their annual appraisal is the town clerk, the appeal will be heard by the Human Resources Committee. [The decision of the Human Resources Committee is final.](#)

5. Guidance

5.1 Each year, guidance on preparing for interviews will be given to employees at the start of the annual appraisal process. If a member of staff wants support or guidance through the appraisal process, they will be given that support.

Capability Policy

1. Purpose

- 1.1 The capability policy should be applied in situations where a manager has concerns about an employee's ability to satisfactorily carry out their job.

2. Introduction

- 2.1 A manager should use the normal supervisory process to resolve day-to-day issues and concerns and this policy is not intended to replace or restrict these normal exchanges. However, when routine supervision does not rectify performance issues and concerns promptly, this policy should be applied.
- 2.2 The town council is committed to helping employees achieve high performance standards at work and recognises that providing an induction and appraisal process for all employees is key to furthering this aim.
- 2.3 Performance should be reviewed on an ongoing basis and any initial concerns regarding the employee's performance raised as part of normal supervisory exchanges.
- 2.4 This policy document is not designed to replace or restrict these discussions, but to provide a formal route for situations where the capability of an employee continues to give cause for concern.
- 2.5 The two progressive stages of the formal capability procedure are intended to remind and enforce the performance standards expected from all employees, while providing employees with the opportunity to improve their performance.

3. Key Principles

- 3.1 All stages of the capability procedure should be handled promptly, consistently and fairly with an emphasis on improvement.
- 3.2 Appropriate and reasonable support should be provided to employees to enable them to achieve the required improvement in performance.
- 3.3 Where performance issues are identified, an improvement plan should be agreed which sets out the performance improvements required and the support that will be provided.
- 3.4 Appropriate review periods should be set which provide a reasonable period of time for performance to improve. This will vary depending on individual circumstances.
- 3.5 At any stage of the procedure, redeployment may be considered as an option.

4. Trade Union Representation

- 4.1 The employee concerned can involve the relevant trade union at an early stage in resolving capability issues, if they are a member.
- 4.2 At all stages of the formal procedure, an employee should have the right to be accompanied by a trade union representative or work colleague. Representation or accompaniment by a practising lawyer is excluded.

5. Diversity

- 5.1 The policy will at all times be applied in accordance with the town council's equality and diversity policy.

6. Scope

- 6.1 This policy applies to all town council employees.
- 6.2 This policy does not apply to employees within their probationary period. Please refer to the town council's probation policy and procedure.

7. Definition

- 7.1 Capability means the fitness and capacity of an employee to carry out their duties to a satisfactory level. It is recognised that concern about an employee's capability may also arise from a lack of knowledge or aptitude, a need for learning and development or because of medical reasons.
- 7.2 Generally, there will be a need to distinguish between capability and misconduct issues, where the role may have been modified or changed over time and the employee's capability to perform it changes, which are dealt with under the town council's disciplinary policy and procedure; although it is recognised that incapability and misconduct are often difficult to distinguish in respect of unacceptable work performance. A matter, initially pursued through one procedure, may be transferred to the other procedure, as it becomes clear which is the most appropriate.

8. Record keeping

- 8.1 In all cases, written records will be kept in accordance with the Data Protection Act 1998. Employees have the right to request access to the records in accordance with the act.
- 8.2 After each meeting with the employee, the manager should give a copy of the notes to the employee or write to the employee clearly stating what was discussed at the meeting and any further action or improvement required.
- 8.3 A record of any formal warning should be placed on an employee's personal file. After the expiry of the specified period, formal warnings should be disregarded for future reference purposes. Any warning should clearly state the date that the warning was issued and the date on which the warning will expire for future capability or disciplinary purposes. The spent warning should be retained on file, as part of the employment record. This information would only be released as part of an employment reference if it was pertinent to the nature of the future role.

9. Learning and Development

- 9.1 The town council is committed to ensuring appropriate learning and development will be provided to ensure implementation of this policy.

Capability Procedure

1. Informal stage of the Procedure

- 1.1 Managers are responsible for identifying areas of under-performance through the normal supervision process and should discuss any initial concerns with the employee at the earliest opportunity.
- 1.2 Where under-performance continues, an informal discussion should be held. The manager should explore causes of the under-performance and provide support where practical.
- 1.3 The performance improvements required should be clearly explained by the manager. The discussion should also include further learning and development requirements, support or additional help an employee needs to meet their job requirements.
- 1.4 At the end of the discussion, there should be a clear, shared understanding that the manager will continue to monitor performance on a regular basis and provide feedback and support to the employee through normal supervisory processes. Normally this will be on a monthly basis.

2. Formal stage of the Procedure – Stage 1

- 2.1 Where a satisfactory improvement in performance is not made during a reasonable time period, a formal stage 1 capability meeting should be arranged by the manager. The employee should be notified in writing of the purpose of the meeting, possible meeting outcomes, the right to be accompanied and that the matter is being dealt with under the capability policy and procedure.

2.2 The capability meeting

The meeting should cover the following, as appropriate:

- 2.2.1 The manager should outline the areas of under-performance, providing specific examples.
- 2.2.2 The job description and the person specification should be discussed and the required performance standards reiterated by the manager, taking into account where the role may have been modified or changed over time and the employee's capability to perform it changes.
- 2.2.3 The employee should be invited to comment and to suggest ways in which they can improve their performance.
- 2.2.4 The outcome of the meeting must include a detailed action plan that sets out improvement targets, timescales and the support to be provided including learning and development where applicable.
- 2.2.5 The manager should confirm the outcomes of the meeting in writing within five working days.

2.3 Time to improve

- 2.3.1 Following the meeting, the employee must be given an appropriate length of time in which to improve their performance. This may vary depending on individual circumstances.
- 2.3.2 During this time, the manager must ensure appropriate support, guidance, learning and/or development is provided and maintained, and establish if there are any health issues which should be considered.

2.4 **Stage 1 capability review meeting**

- 2.4.1 At the end of the performance improvement period, a stage 1 review meeting should be held to discuss the employee's performance. If the performance has improved satisfactorily, the employee should be advised that no further action will be taken and this confirmed in writing.
- 2.4.2 Where satisfactory improvement has not been made and performance still does not meet the required standards, the manager must discuss this with the employee at a stage 1 review meeting. The manager must ensure the employee is aware of their right to be represented at this meeting, by either a trade union representative or a work colleague, and they give the employee every opportunity to discuss or comment upon their performance record.
- 2.4.3 Having considered the matter fully, the manager should decide on the appropriate action to take, given the circumstances of the employee's case.
- 2.4.4 Options the manager could consider include:
 - 2.4.4.1 To defer a decision pending the outcome of an occupational health referral, in which case the review meeting should be adjourned and notice of a further meeting provided
 - 2.4.4.2 To make temporary adjustments, as necessary
 - 2.4.4.3 To make arrangements for further learning, development, or support to be put in place, as appropriate
 - 2.4.4.4 Redeployment
 - 2.4.4.5 To issue a first written warning
 - 2.4.4.6 To take no further action. The manager may decide due to extenuating circumstances that no further action is required.
- 2.4.5 The manager must confirm the outcome of the meeting within five working days to the employee in writing and must clearly explain that the procedure will now move to stage 2.

2.5 **First written warning**

- 2.5.1 If the manager considers the levels of performance to be unacceptable, they should issue the employee with a first written warning. This will remain active on their personal file for 12 months.
- 2.5.2 The performance improvements required should be clearly explained by the manager and a further improvement plan issued. The employee must be given

an appropriate length of time in which to improve their performance. This will vary depending on the individual circumstances.

- 2.5.3 During this time, the manager must ensure appropriate support, guidance, learning and/or development is provided and maintained while ensuring there are no underlying health issues to take into account.

2.6 Right of appeal

2.6.1 The employee has the right of appeal against all written warnings. They should write to the town clerk within 10 working days of receipt of written confirmation of the warning. Appeals against written warnings will be heard and determined by a panel which consists of three members of the Human Resources Committee.

2.6.2 If the employee is the town clerk or a manager who reports to the town clerk, they should write to the Mayor within 10 working days of receipt of written confirmation of the warning. An appeal will be heard and determined by a panel that consists of three members of the Full Council.

3. Formal stage of the Procedure – Stage 2

3.1 Performance should continue to be monitored on a regular basis, with the manager providing ongoing feedback and support to the employee.

3.2 If their performance has improved satisfactorily, they should be advised that no further action will be taken and this is confirmed in writing.

3.3 If, by the end of the improvement period, the under performance continues, and a first written warning has been issued and the employee is aware of the performance standards expected of them, the employee should be advised that a capability hearing will be arranged.

3.4 Stage 2 capability hearing

3.4.1 While the manager is responsible for organising the capability hearing, it will be run by a presiding officer, i.e. the town clerk or the Mayor.

3.4.2 The manager must send the employee a letter advising them of the date, time and venue for the hearing. The letter must explain the purpose of the hearing, the issues to be considered, the possible outcomes of the hearing and should set out the employee's right to be accompanied by a trade union representative or a work colleague.

3.5 Hearing arrangements

3.5.1 The manager will make the arrangements for the hearing.

3.5.2 The manager will advise the employee in writing of the hearing, giving not less than 10 working days notice of the date, time and place of the hearing. Also included in the letter should be all the supporting documentary evidence to be referred to at the hearing.

3.5.3 The manager will collate all the relevant written evidence, ensuring an appropriate venue and relevant facilities are arranged.

3.5.4 The employee has the right to be accompanied at the hearing by a trade union representative or a work colleague.

3.5.5 Both parties must submit, at least five working days before the hearing, any statement which will be used at the hearing.

3.5.6 The presiding officer will ensure all paperwork for the hearing is circulated to all parties in advance of the hearing.

3.5.7 The purpose of the hearing is to consider the evidence to enable the presiding officer to decide what action, if any, to take.

3.6 Possible outcomes

3.6.1 Following the stage 2 capability hearing, the presiding officer should consider the evidence and reach a decision as to the next course of action.

3.6.2 This could include one, or a combination, of the following:

3.6.2.1 That no further action be taken under the capability procedure as the presiding officer considers that a satisfactory improvement has been made. There would be no further action under the formal procedure, however the employee should be written to and reminded that the first written warning remains active

3.6.2.2 That additional learning and development is arranged

3.6.2.3 That the work environment is reviewed and consideration is given to whether any reasonable adjustments could be made in accordance with the Equality Act

3.6.2.4 That a medical referral is made and the hearing adjourned until further information is available

3.6.2.5 Redeployment is considered

3.6.2.6 That a final written warning is issued

3.6.2.7 The improvement plan is updated and reissued

3.6.2.8 That the employee is dismissed.

3.6.3 The outcome will normally be announced at the end of the hearing, by the presiding officer. In exceptional circumstances, this may be within two working days. The decision must be confirmed in writing to the employee within five working days.

3.7 Final written warning

3.7.1 The final written warning will remain active on the employee's personal file for 18 months.

3.7.2 The performance improvements required should be clearly explained by the manager and a further improvement plan issued. The employee must be given an appropriate length of time in which to improve their performance. This will vary depending on the individual circumstances.

3.7.3 During this time, the manager must ensure appropriate support, guidance, learning and/or development is provided and maintained while ensuring there are no underlying health issues to take into account.

3.8 **Right of appeal**

3.8.1 The employee has the right of appeal against all written warnings and dismissal. They should write to the town clerk within 10 working days of receipt of written confirmation of the warning. Appeals against written warnings and dismissal will be heard and determined by a panel which consists of three members of the Human Resources Committee.

3.8.2 If the employee is the town clerk or a manager who reports to the town clerk, they should write to the Mayor within 10 working days of receipt of written confirmation of the warning or dismissal. An appeal will be heard and determined by a panel that consists of three members of the Full Council.

4. Variations

4.1 If there are any reasonable variations to the processes or timescales within this procedure driven by circumstances, they can be made and the the employee will be notified.

Sickness Absence Policy and Procedure

1. Policy Statement

- 1.1 The council recognises the role its employees play in providing effective, high-quality services. Accordingly, it is important all employees are committed to attending work.
- 1.2 The council is also concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return, the council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate, and to attend work when fit to do so.
- 1.3 The council recognises genuine medical grounds will occasionally result in employee absence. It is the council's policy to treat all such sickness absence in a fair, sensitive, and consistent manner.
- 1.4 The council seeks to balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resources and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short-term sickness or extended periods of absence, as appropriate.

2. Related Policies and Procedures

- 2.1 This policy should be read in conjunction with the council's probation, grievance, disciplinary and capability policies and procedures.

3. Aims

- 3.1 The council will ensure:
 - 3.1.1 it provides a supportive environment for employees affected by ill-health
 - 3.1.2 managers and employees adhere to this policy and procedure and all other associated policies and procedures
 - 3.1.3 overall levels of sickness absence are monitored and reported to the Human Resources Committee.

4. Responsibilities

- 4.1 The onus for attending work on a regular basis and for reporting absence in accordance with council procedure rests with the employee.
- 4.2 The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the town clerk, deputy town clerk, ~~and~~ operations manager, [finance manager and support services manager](#).
- 4.3 It is the town clerk's responsibility to ensure all employees are aware of this policy.

5. Reporting

- 5.1 An employee who is unable to work due to illness or injury must personally speak to their manager as soon as soon as possible. If they cannot speak to their manager,

they must report their absence to another manager, not a colleague. Notification of absence should be made as early as possible, e.g., by text, email or answer phone message. Contact with a manager should be no later than 10am on the first day of absence or the nearest working day.

5.2 The employee should inform their manager of:

- 5.2.1 the nature of the absence
- 5.2.2 the date the injury or illness began (including weekends and holidays)
- 5.2.3 the expected duration of the absence
- 5.2.4 any immediate work commitments that need completing or reassigning during their absence.

5.3 The employee must maintain contact with ~~his or her~~ their manager during any period of sickness absence lasting longer than one day, so that their manager is aware of any progress and the expected date of return to work.

5.4 Failure to follow the sickness reporting process may lead to absence from work being treated as unauthorised absence, resulting in possible loss of pay and/or disciplinary action.

6. Certification

6.1 Where the absence is for a period of up to seven days (including weekends) and not covered by a doctor's certificate, the employee will be asked to complete a self-certification form on their return to work.

6.2 If the absence exceeds seven days, and the employee has not already done so, the employee should provide a doctor's certificate for the remainder of the absence. The employee will need to ensure there is always a current certificate. The doctor's certificate ('fit note') will detail whether or not the employee needs to see a doctor again before returning to work.

6.3 If the doctor's certificate states the employee 'may be fit for work', the employee should inform their manager immediately. Taking into account the doctor's advice, the manager will discuss with the employee if there are any measures needed to assist their return to work; this may take place at a return-to-work interview or at an absence review meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the manager will set a date to review the situation.

7. Return to Work Meetings

7.1 When an employee returns to work after any period of absence, their manager will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- 7.2 to provide an opportunity for the manager to check if the employee is fit enough to return to work
- 7.3 to give the employee an opportunity to raise any concerns they may have and/or to identify any domestic, welfare, or work-related problems
- 7.4 to ensure the employee is aware of work-related matters that have occurred during their absence

7.5 fill out a sickness declaration form.

8. Miscellaneous

8.1 It is important the employee complies with these procedures so:

8.1.1 the council is aware of any problems and can provide assistance

8.1.2 any sick pay the employee is entitled is not withheld or refused.

8.2 Sickness absence records will be treated with sensitivity and confidentiality, in accordance with the provisions of data protection legislation and the document management guidance as outlined in the council's Information Policy.

9. Frequent Intermittent Absence

9.1 In addition to holding return-to-work interviews after all periods of absence, the council will institute a more formal review of attendance records and reasons for absence with an employee if there has been ~~either~~:

9.1.1 four episodes of absence within any period of 12 months

9.1.2 a total of 10 days' short-term sickness absence within any period of 12 months-

[9.1.3 a pattern of sickness absence emerges, i.e. an employee is frequently absent on the same day](#)

9.2 The relevant manager will arrange a sickness review meeting to meet with any employee whose absence record matches or exceeds these criteria.

9.3 During the meeting, the manager will draw the employee's attention to their attendance record and the problems their absences cause for the council and their colleagues. If no underlying medical condition is disclosed, the employee will be advised their attendance record will be monitored over a period of not less than three months and that a significant improvement in attendance is required. In addition, employees will be warned if no improvement is made, consideration will be given to reviewing their employment with the council. This will be confirmed in writing.

9.4 Return-to-work interviews will continue to be carried out following any absences that occur during this monitoring period. These interviews afford the manager the opportunity to remind the employee of the council's concerns.

9.5 If no significant improvement in attendance is made after the period of monitoring has ended, a further sickness review meeting will be arranged. At this meeting, the employee will again be reminded of the problems caused by their absences and asked if they wish to disclose any underlying medical condition or problem which their manager is unaware of. If a condition is disclosed, a medical referral should be arranged. If no underlying medical condition exists, the employee should be told their attendance record will be subject to a further period of monitoring of not less than three months, and that their employment may be terminated if the required improvement is not achieved. Employees have the right to be accompanied at this meeting by a trade union representative or a work colleague.

9.6 Employees whose levels of attendance improve satisfactorily during periods of monitoring will be reminded they will be expected to maintain these levels of

attendance in to the future and that failure to do so will result in further monitoring or the initiation of formal action which may result in their dismissal.

- 9.7 Where an employee's attendance has not improved to the required level, a capability hearing will be arranged to consider whether or not the employee should be dismissed.

10. Long-Term Absence

- 10.1 All cases of long-term absence will be treated sympathetically and assistance will be given to the employee to assist their return to work. During their absence, a manager will maintain contact with the employee. A manager may hold sickness review meetings with an employee during their long-term absence. The purpose of contact is to keep the employee up-to-date with what is happening at work, to review their on-going condition and to offer support, as appropriate.
- 10.2 To ensure the council has guidance and advice on the most appropriate course of action to follow, employees who have been absent for a continuous period of four weeks may, depending on the nature of the absence in question, be referred to an occupational health physician. Where the occupational health physician makes a recommendation that might affect the employee's continued employment, the relevant manager will hold a sickness review meeting with the employee. Employees may wish to have the support of a trade union representative or a work colleague during such a meeting; this should be positively encouraged.
- 10.3 Where an employee returns to work after a period of prolonged absence, their return can be facilitated by temporary redeployment or phased re-introduction, to work e.g. job sharing or part-time working. The manager and the employee should consider these options and, if any measures are considered appropriate, the manager will arrange for them to be put in to place. Any such arrangements will be for a defined period and will be subject to joint review.
- 10.4 In certain cases, the occupational health physician may find an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, consideration will be given to the possibility of redeployment into an alternative position. Consideration will also be given to redeployment if working in a particular place creates attendance issues for an employee.
- 10.5 If an employee is absent and a return to work is not foreseeable within a reasonable timescale, their manager will arrange a final sickness review meeting, which may lead to a capability or disciplinary hearing to consider the employee's dismissal.

11. Capability and Disciplinary Hearings

- 11.1 Prior to dismissal being considered for frequent intermittent absence or long-term absence, the manager will meet with the employee concerned to explore if there are any reasonable adjustments to their job which could allow the employee to remain employed by the council. At this stage in the procedure, the council's capability procedure or disciplinary procedure will guide this process.
- 11.2 Termination of employment may take place where:
- 11.2.1 an employee is declared permanently unfit for work
 - 11.2.2 an employee is declared medically unfit for their work and alternative employment cannot be found

11.2.3 a decision has been taken that the service can no longer tolerate a high level of absence

11.2.4 a decision is taken, within the council's disciplinary or capability policies and procedures that an employee has willfully abused the sickness absence policy or absented themselves without permission.

12. Personal, Domestic, or Work-Related Problems

12.1 Where an employee reveals their absence has been a consequence of personal, domestic, or work-related problems, their manager should attempt to discuss with the employee any relevant information they wish to disclose.

12.2 Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded such matters will be treated confidentially and the council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than their manager, they should discuss this with the town clerk or the chairman of the Human Resources Committee.

12.3 Once the problem has been clearly identified, appropriate assistance can be offered to the employee. In some circumstances, special leave, temporary adjustments in working arrangements, or referral to specialist agencies may take place.

13. Alcohol and/or Drug Dependency

13.1 Where an employee discloses their absences are a consequence of alcohol or drug-related problems, they will be encouraged to seek help and treatment through an occupational health physician appointed by the council or through an approved organisation of their choice. Employees may be granted leave to undergo treatment and any such leave will be regarded as sick leave. In such cases, progress will be monitored with the assistance of the occupational health physician appointed by the council.

13.2 If an employee refuses or discontinues any programme of assistance designed for them, any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the council's disciplinary procedure.

14. Welfare

14.1 If, as a consequence of a medical-related absence, the employee's manager has any concerns about the employee's ability to undertake their full range of duties and responsibilities, consideration should be given to suspending them with pay or finding alternative duties, pending medical advice from an occupational health physician.

15. Monitoring

15.1 Monitoring is an important part of sickness absence.

15.2 Managers must maintain comprehensive records for each employee on all aspects of sickness absence. These details should be maintained on the employee's personal file and should be treated with sensitivity and in confidence. Employees will be entitled to access these records on request.

15.3 The town clerk will ensure an overall absence history is maintained. These records will provide the data for an annual report on sickness absence which will be reported to the Human Resources Committee.

Protocol for Member-Officer Relations

1. Introduction

- 1.1 The purpose of this protocol is to guide council members and officers of the town council in their relations with each other so as to assist the smooth running of the council.
- 1.2 This protocol cannot seek to be either prescriptive or comprehensive, and the intention is to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach adopted will serve as a guide to dealing with other issues, and be a useful reference point in the maintenance and promotion of high standards of conduct.
- 1.3 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared objective of these codes is to enhance and maintain the real and perceived integrity of the town council, and they therefore demand very high standards of personal conduct.
- 1.4 One of the key issues to be addressed by the protocol is the question of member/officer relations. Mutual trust and respect should be the key aim; any dealings between members and officers should observe standards of courtesy and neither party should seek to take unfair advantage of their position, and do anything which compromises, or is likely to compromise, the impartiality of officers or undermines them.
- 1.5 Basic respect, mutual understanding, and openness are the greatest safeguard of the integrity of the council, its members and officers.
- 1.6 This protocol is, to a large extent, a written statement of current practice and convention. It seeks to promote greater clarity and certainty.

2. General Points

- 2.1 Members should avoid making personal attacks on or derogatory comments about officers and, in particular, avoid undermining respect for officers in council, committee meetings, public forums and through social media. Complaints by officers against members should be directed to the mayor and town clerk as appropriate.
- 2.2 Similarly, officers should avoid making personal attacks on or derogatory statements about members and, in particular, avoid undermining respect for members in council, committee meetings, public forums and through social media. Complaints by members against officers should be directed to the town clerk in the first instance.
- 2.3 If the complaint is about the town clerk, members should discuss the matter with the mayor.
- 2.4 Where member conduct is considered inappropriate, and a member believes that there has been a breach of the town council's Code of Conduct or a breach of this or any other protocol by another member, they should refer the matter to the mayor and/or [West Dorset District Council's Dorset Council's](#) monitoring officer.
- 2.5 Officers with complaints of alleged unethical conduct by members, should, in the first instance, refer such matters to the town clerk.

2.6 Members are entitled to opinions but should not seek to undermine factual information provided by officers.

3. The role of Members and Officers

- 3.1 The responsibilities of members and officers are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council and their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, ~~and its committees and sub-committees.~~
- 3.2 Officers serve the town council through the Full Council and its committees. They work to the instructions of the town clerk, not individual members of the council, whatever office the member may hold. Officers must not be asked to exceed the bounds of authority delegated to them, nor should they have unreasonable demands placed on them in terms of support to an individual member.
- 3.3 The town clerk as responsible financial officer and proper officer has specific roles and these are detailed in the Scheme of Delegation. ~~His/her~~ Their role needs to be understood and respected by all members.

4. The Relationship

- 4.1 The following key principles reflect the way in which the officers generally relate to members:
- All officers are employed by and accountable to the authority as a whole.
 - Support from officers is needed for all the authority's functions, including Full Council, committees ~~and sub-committees~~, and individual members representing their community.
 - Day-to-day managerial and operational decisions should remain the responsibility of the town clerk and other officers.
 - All officers will be provided with training and development to help them support the various member roles effectively and to understand the new structures.
- 4.2 Mutual respect between employees and elected members is essential.
- 4.3 Inappropriate relationships can be inferred from language or style. To protect both members and officers, officers should address members as Councillor XX, save where circumstances clearly indicate that a level of informality is appropriate. ~~In respect of the mayor, he/she should be referred to as Your Worship, save where circumstances clearly indicate that a level of informality is appropriate.~~
- 4.4 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a long-standing tradition in public service. An officer has no means of responding to such criticisms in public.
- 4.5 An officer should not raise with a member matters relating to the conduct or capability of another officer.
- 4.6 On occasion, a decision may be reached which authorises named officers to make decisions and take action that is beyond their delegated authority.

5. Officer advice

- 5.1 It must be recognised by all members and officers that in discharging their duties and responsibilities, officers serve the town council as a whole and not any combination of groups or any individual member of the council.
- 5.2 Officers must at all times maintain a stance which is impartial.
- 5.3 The support provided by officers can take many forms, including a briefing meeting with a chairman prior to a committee or meeting or co-ordinating the activities of the council through joint chairs' briefings. Any such meetings are not empowered to make decisions on behalf of the town council.
- 5.4 Officers should be required to give information and advice on town council business and issues affecting the town of Lyme Regis. Such support and advice should be available to all members of the council.
- 5.5 Similarly, where officers provide information and advice to a chairman or any other member in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or ~~sub-committee~~ when the matter in question is considered.
- 5.6 Special care needs to be exercised whenever officers are involved in providing information and advice to meetings, which include persons who are not members of the town council. Such persons are not bound by the Member Code of Conduct, ~~(in particular, the provisions concerning the registration of disclosable pecuniary interests and confidentiality)~~. Therefore, officers should not attend and give the same level of information and advice as they would to a member-only meeting.
- 5.7 Any particular case of difficulty or uncertainty in this area of officer advice should be raised in the first instance with the town clerk.

6. Resources/Support Services for Members

- 6.1 The only basis on which the town council can lawfully provide resources by way of support services, e.g. stationery, typing, printing, photocopying, transport, to members is to assist them in discharging their role as members of the town council. Such support services should therefore not generally be used by members to support them in their roles as members of other local authorities, or of other bodies. They should never be used in connection with party political or campaigning activity, or for private purposes.

7. Members' Access to Information and to Council Documents

- 7.1 Members are free to approach the town clerk to provide them with such information, explanation and advice about the council's functions as they may reasonably need to assist them in discharging their role as members of the town council. This can range from a request for general information about some aspect of an activity to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the town clerk. Members should not however put undue pressure on officers to release information and documents to which they are not entitled to have access, see below.
- 7.2 Members have a statutory right under the Local Government Act 1972 to inspect any council document which contains material relating to any business which is to be transacted at a council, committee ~~or sub-committee~~ meeting. This right applies irrespective of whether the member is a member of the committee ~~or sub-committee~~

concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.

- 7.3 Exempt reports should be made available to all members, ~~unless after consulting the relevant committee chairman, the town clerk advises that the content of the report is of such a nature that this is not appropriate. In such instances, the town clerk will inform the relevant committee of the rationale for his/her decision.~~
- 7.4 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect council documents so far as ~~his/her~~ their access to the documents is reasonably necessary to enable the member properly to perform ~~his/her~~ their duties as a member of the council. This principle is commonly referred to as the 'need to know' principle.
- 7.5 The exercise of this common law right depends upon the member's ability to demonstrate that ~~he/she~~ they ~~has~~ have the necessary 'need to know'. In this respect a member has no right to a 'roving commission' to examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. The town clerk is the officer responsible for determining these questions.
- 7.6 In some circumstances, e.g. a member wishing to inspect documents relating to the functions of the council or committee on which they are a member, a member's 'need to know' will normally be presumed. In other circumstances, e.g. a member wishing to inspect documents which contain personal information about third parties, a member would be expected to justify the request in writing in specific terms.
- 7.7 Finally, any town council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the council.

8. Officer/Chairman Relationships

- 8.1 It is clearly important that there should be a close working relationship between the chairman of a committee and the council's senior officers which report to those committees. However, such relationships should never become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with issues with other members, nor to undermine public trust and confidence in the town council. This should apply to all members and officers.
- 8.2 Officers will always be fully responsible for the contents of any report submitted in their name; and even if the chairman is unhappy with its contents, it should not be amended other than with the express approval of the relevant officer.
- 8.3 It is important to remember that the town council only allows for decisions, relating to the discharge of any of its functions, to be taken by the Full Council, its committees, or by an officer with delegated powers. Decisions must not be taken by a chairman or indeed by any other single member, unless delegated authority has been given. Officers have a duty to the whole council rather than an individual member.
- 8.4 Finally, it must be remembered that officers are accountable to the town clerk, and that whilst officers should always seek to assist a committee chairman and any other member, they must not, in so doing, go beyond the bounds of whatever authority they have been delegated.

9. Business Meetings and Involvement of Members

9.1 Whenever a business meeting is organised by or on behalf of the town council to consider a local issue, the relevant chairman should be invited to attend the meeting. Similarly, whenever the town council undertakes any form of consultative exercise that affects the whole electorate of the town, members should be notified at the outset of the exercise.

9.2 Business meetings of the town council will be convened by the town clerk, who will also send any relevant invitations to third parties.

9.3 Any business meeting called by an individual member or group of members, rather than by a town council officer, shall not be regarded as a meeting called by the town council. An officer shall not attend such a meeting, in ~~his or her~~ [their](#) capacity as a town council officer, unless authorised by the town clerk.

10. Correspondence

10.1 If an officer copies correspondence addressed to one member, to another member, then this should be made clear to the original member.

10.2 Official letters on behalf of the town council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances, e.g. representation to a government minister, for a letter to appear in the name of a member, but this should be only in exceptional circumstances. Letters which, for example, convene meetings, create obligations, or give instructions on behalf of the council should never be sent out in the name of a member.

10.3 The council recognises the importance of the civic roles within the council and official correspondence from the mayor in relation to civic duties will be sent out in ~~his/her~~ [their](#) name.

11. Fraud and corruption

11.1 The protocol regarding the accepting of gifts and hospitality is referred to in the respective Codes of Conduct for members and staff.

11.2 Members and officers have a duty to raise any issues where they have reason to believe fraud or corruption of any kind is involved. The member or officer should also notify the town clerk who will then advise on notification to any regulatory agency such as the police or external audit in appropriate cases.

12. Public relations and press releases

12.1 All officers of the town council must comply with the requirements of the Local Government Act 1986 which prohibits councils from publishing any material which seems designed to affect public support for a political party.

12.2 Matters surrounding council publicity and relationships with the media are dealt with in the PR/Communications Policy and Procedure- [and Social Media Policy](#).