



# MEPAL PARISH COUNCIL

## POLICY MANUAL 2018-19

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## 1. FREEDOM OF INFORMATION ACT POLICY

- 1.1. The publication scheme commits Mepal Parish Council to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by Mepal Parish Council. Additional assistance is provided to the definition of these classes in sector specific manuals issued by the Information Commissioner.
- 1.2. The scheme commits Mepal Parish Council:
  - 1.2..1.To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held and which falls within the classifications below.
  - 1.2..2.To specify the information which is held and which falls within the classifications below.
  - 1.2..3.To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
  - 1.2..4.To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
  - 1.2..5.To review and update on a regular basis the information made available under this scheme.
  - 1.2..6.To produce a schedule of any fees charged for access to information which is made proactively available.
  - 1.2..7.To make this publication scheme available to the public.
- 1.3. Classes of Information
  - 1.3..1.Who we are and what we do. Organisational information, locations and contacts, constitutional and legal governance.
  - 1.3..2.What we spend and how we spend it. Financial information related to projected and actual income and expenditure, tendering, procurement and contracts.
  - 1.3..3.What our priorities are and how we are doing. Strategy and performance information, plans, assessments, inspections and reviews.
  - 1.3..4.How we make decisions. Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
  - 1.3..5.Our policies and procedures. Current written protocols for delivering our functions and responsibilities.
  - 1.3..6.Lists and Registers. Information held in registers required by law and other lists and registers relating to the functions of the authority.
- 1.4. The Services we offer. Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.
- 1.5. The classes of information will not generally include:
  - 1.5..1.Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.

1.5..2.Information in draft form.

1.5..3.Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

- 1.6. Mepal Parish Council will indicate clearly to the public what information is covered by this scheme and how it can be obtained.
- 1.7. Where it is within our capability, information will be provided on our website. Where it is impracticable to make information available on our website or when an individual does not wish to access this information by the website, the Publication Scheme indicates how this can be obtained by other means.
- 1.8. In exceptional circumstances some information may be available only by viewing in person. When this manner is specified, contact details are provided within the Publication Scheme. An appointment to view the information will be arranged within a reasonable timescale.
- 1.9. Information will be provided in the language it is held.
- 1.10. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.
- 1.11. The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by Mepal Parish Council for routinely published material will be justified and transparent and kept to a minimum.
- 1.12. Material which is published and accessed on our website will be free of charge.
- 1.13. Charges may be made for actual disbursements incurred such as: photocopying, postage and packaging and the costs directly incurred as a result of viewing information.
- 1.14. Information held by Mepal Parish Council that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

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## **2. DATA PROTECTION POLICY (AND INFORMATION SECURITY)**

- 2.1. Mepal Parish Council hold personal data about our employees, residents, suppliers and other individuals for a variety of Council purposes.
- 2.2. This policy sets out how we seek to protect personal data and ensure that Councillors and Officers understand the rules governing their use of personal data to which they have access in the course of their work. In particular, this policy requires Officers to ensure that the Data Protection Officer (DPO) be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.
- 2.3. This policy applies to all councillors and staff.
- 2.4. The Data Protection Officer, [Parish Council Clerk] has overall responsibility for the day-to-day implementation of this policy
- 2.5. All personal data must be processed fairly and lawfully in accordance with individuals' rights. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening.
- 2.6. The Data Protection Officer's responsibilities are:
  - 2.6..1. Keeping the Council updated about data protection responsibilities, risks and issues
  - 2.6..2. Reviewing all data protection procedures and policies on a regular basis
  - 2.6..3. Assisting with data protection training and advice for all staff members and those included in this policy
  - 2.6..4. Answering questions on data protection from staff, council members and other stakeholders
  - 2.6..5. Responding to individuals such as members of the public, service users and employees who wish to know which data is being held on them by Mepal Parish Council
  - 2.6..6. Checking and approving with third parties that handle the council's data any contracts or agreement regarding data processing
- 2.7. The Clerk acting at the IT Manager is responsible for:
  - 2.7..1. Ensuring all systems, services, software and equipment meet acceptable security standards
  - 2.7..2. Checking and scanning security hardware and software regularly to ensure it is functioning properly
  - 2.7..3. Researching third-party services, such as cloud services the company is considering using to store or process data
- 2.8. The Clerk is responsible for:
  - 2.8..1. Approving data protection statements attached to emails and other marketing copy
  - 2.8..2. Addressing data protection queries from clients, target audiences or media outlets
  - 2.8..3. Coordinating with the DPO to ensure all marketing initiatives adhere to data protection laws and the company's Data Protection Policy

- 2.9. The processing of all data must be: Necessary to deliver our services, in our legitimate interests and not unduly prejudice the individual's privacy and in most cases this provision will apply to routine business data processing activities.
- 2.10. Our Terms of Business contains a Privacy Notice relating to on data protection.  
The notice:
- Sets out the purposes for which we hold personal data on customers, employees, residents and service users
  - Highlights that our work may require us to give information to third parties such as expert witnesses and other professional advisers
  - Provides that service users and correspondents have a right of access to the personal data that we hold about them
- 2.11. In most cases where we process sensitive personal data we will require the data subject's explicit consent to do this unless exceptional circumstances apply, or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work, comply with burial legislation and allotment legislation). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.
- 2.12. We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.
- 2.13. Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO.
- 2.14. Reasonable steps must be taken to ensure that all personal data we hold is accurate and updated as required. For example, if personal circumstances change, please inform the Data Protection Officer so that they can update the records.
- 2.15. personal data must be kept secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.
- 2.16. In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it
- 2.17. Printed data should be shredded when it is no longer needed
- 2.18. Data stored on a computer should be protected by strong passwords that are changed regularly. We encourage all staff to use a password manager to create and store their passwords.
- 2.19. Data stored on CDs or memory sticks must be locked away securely when they are not being used
- 2.20. The DPO must approve any cloud used to store data
- 2.21. Servers containing personal data must be kept in a secure location, away from general office space
- 2.22. Data should be regularly backed up in line with the council's backup procedures

- 2.23. All servers containing sensitive data must be approved and protected by security software and strong firewall.
- 2.24. Personal data must be retained for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with our data retention guidelines.
- 2.25. Under the Data Protection Act 1998, individuals are entitled, subject to certain exceptions, to request access to information held about them.
- 2.26. If you receive a subject access request, you should refer that request immediately to the DPO. Who may ask you to help us comply with those requests.
- 2.27. Please contact the Data Protection Officer if you would like to correct or request information that we hold about you. There are also restrictions on the information to which you are entitled under applicable law.
- 2.28. You should abide by any request from an individual not to use their personal data for direct marketing purposes and notify the DPO about any such request.
- 2.29. Do not send direct marketing material to someone electronically (e.g. via email) unless you have an existing business relationship with them in relation to the services being marketed.
- 2.30. Please contact the DPO for advice on direct marketing before starting any new direct marketing activity.
- 2.31. All staff will receive training on this policy. New joiners will receive training as part of the induction process. Further training will be provided at least every two years or whenever there is a substantial change in the law or our policy and procedure.
- 2.32. Where not specified previously in this policy, the following provisions will be in effect on or before 25 May 2018.
- 2.33. Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation. The following are details on how we collect data and what we will do with it:

<b>What information is being collected?</b>	
Who is collecting it?	
How is it collected?	
Why is it being collected?	
How will it be used?	
Who will it be shared with?	
Identity and contact details of any data controllers	
Retention period	

- 2.34. We will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All staff who are responsible for processing personal data will be aware of the conditions for

processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

- 2.35. We will process personal data in compliance with all six data protection principles.
- 2.36. We will document the additional justification for the processing of sensitive data and will ensure any biometric and genetic data is considered sensitive.
- 2.37. The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time.
- 2.38. Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.
- 2.39. Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This must be done for free.
- 2.40. A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.
- 2.41. Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The DPO will be responsible for conducting Privacy Impact Assessments and ensuring that all IT projects commence with a privacy plan.
- 2.42. When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.
- 2.43. Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.
- 2.44. All members of staff have an obligation to report actual or potential data protection compliance failures. This allows us to:
  - 2.44..1. Investigate the failure and take remedial steps if necessary
  - 2.44..2. Maintain a register of compliance failures
  - 2.44..3. Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own right or as part of a pattern of failures
  - 2.44..4. Please refer to our Compliance Failure Policy for our reporting procedure.
- 2.45. Everyone must observe this policy. The DPO has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.
- 2.46. The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under our procedures which may result in dismissal. A solicitor in breach of Data Protection responsibility under the law or the Code of Conduct may be struck off.

- 2.47. If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO.

Document History - DATA PROTECTION POLICY (AND INFORMATION SECURITY)		
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Next Review by Clerk		



### 3. COMPLIANTS

- 3.1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
- 3.2. This procedure does not cover complaints about the conduct of a member of the Parish Council. Any complaint that a Councillor may have breached the Council's adopted code of conduct should be referred to the monitoring officer at the District Council. The introduction of the Localism Act 2012 has meant there is no longer a national body to oversee standards.
- 3.3. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
- 3.4. The complainant will be asked to put the complaint in writing to the Clerk to the Council either by letter or e-mail. Contact details are Mepal Parish Council, 17 St Mary's Close, Mepal CB6 2BY or [mepalparishcouncil@msn.com](mailto:mepalparishcouncil@msn.com)
- 3.5. The complaint will be dealt with within 7 calendar days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is.
- 3.6. If the complainant prefers not to put the complaint to the Clerk to the Council, he or she should be advised to write to the Chairman.
- 3.7. On receipt of a written complaint, the Clerk to the Council or the Chairman of the Parish Council will seek to settle the complaint direct with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
- 3.8. Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chairman of the Parish Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
- 3.9. The Clerk to the Council or Chairman of the Parish Council will report any complaint disposed of by direct action with the complainant at the next Council meeting.
- 3.10. The Clerk to the Council or Chairman of the Parish Council will report any complaint that has not been resolved at the next Council meeting. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
- 3.11. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.
- 3.12. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at a Council meeting in public.

- 3.13. As soon as possible after the decision has been made, and in any event not later than ten days after the meeting, the complainant will be notified in writing of the decision and any action to be taken.
- 3.14. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

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#### 4. FRAUD AND CORRUPTION

- 4.1. Parish Councils can be targets for those who wish to commit fraudulent or corrupt acts. Mepal Parish Council is determined to prevent losses through fraud and corruption whether attempted from inside or outside of the organisation.
- 4.2. The Parish Council maintains and encourages a culture of honesty and integrity.
- 4.3. The Parish Council has a set of preventative systems and procedures to assist in the fight against fraud and corruption. The financial processes and controls are set out in its Financial Regulations. The Parish Council is determined that these arrangements will keep pace with future developments in both preventative and detection techniques regarding fraud or corrupt activity that may affect its operation. To this end, the Parish Council will maintain a continuous overview of such arrangements, in particular, through the Chairman, Clerk and auditors.
- 4.4. Councillors and officers are positively encouraged to raise any concerns that they may have on these issues. They can do so in the knowledge that such concerns will be treated in confidence and properly investigated. Members of the public are also encouraged to report concerns.
- 4.5. When allegations are received or irregularities are found or suspected the Parish Council will ask a qualified independent person to investigate, and they will work closely the Chairman, (or in his absence the Vice Chairman), Clerk and other agencies such as the police to ensure allegations are thoroughly investigated and reported upon.
- 4.6. Subject to any other actions which might be taken, the Parish Council's Disciplinary Procedures will be used where the outcome of the investigation indicates improper behaviour. The Parish Council will normally wish the police to be made aware of allegations, and to prosecute offenders where significant financial impropriety is discovered.
- 4.7. If in the course of your duties you detect an irregularity report the matter to one (or more) on the list below:
- Clerk
  - Chairman (or in his absence the Vice Chairman)
  - Monitoring Officer, District Council
  - Police
  - "Public concern at work" <http://www.pcaaw.org.uk> telephone number 0207 404 6609.
- 4.8. If you report the matter to the Parish Council Chairman, or the Clerk they will discuss the allegation immediately with the Monitoring Officer at District Council and may report it to the police.

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## 5. WHISTLEBLOWING

- 5.1. The Parish Council is committed to the highest standards of openness, honesty and accountability. In line with that commitment, councillors, officers, local residents and others with serious concerns about any aspect of the Parish Council's work are encouraged to come forward. This policy applies to concerns about the activities of councillors, officers and external organisations in their dealings with the Parish Council.
- 5.2. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that those with reasonable concerns can voice them without fear of reprisals. The Whistle-Blowing Policy encourages people to raise serious issues directly with the Parish Council rather than overlooking the problem or blowing the whistle outside.
- 5.3. This policy aims to:
- Provide avenues for you to raise concerns and receive feedback on any action taken
  - Allow you to take the matter further if you are dissatisfied with the Parish Council's response
  - Reassure you that you will be protected from reprisals or victimisation for whistle-blowing concerns made in good faith.
- 5.4. The Parish Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those responsible for the misconduct. The Parish Council will not tolerate harassment or victimisation and will take all reasonable measures to protect the originator when a concern is raised in good faith.
- 5.5. The Parish Council will protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated though that a statement by you may be required as part of the evidence.
- 5.6. This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Parish Council.
- 5.7. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, allegations which are malicious or made out of mischief may lead to serious repercussions.
- 5.8. HOW TO RAISE A CONCERN
- 1. As a first step, you should normally raise concerns with the Chairman, (or in his absence the Vice Chairman) or Clerk. If you feel that you cannot approach the Parish Council, then you may approach the Monitoring Officer at District Council

- 2. Matters should be raised in writing. You are invited to set out the background and history, giving names, dates and places where possible, and the reason why you are concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate person
- 3. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are grounds for your concern.

5.9. HOW THE PARISH COUNCIL WILL RESPOND

- The Chairman (or in his absence the Vice-Chairman) will determine the nature and sequence of the investigations relevant to each case and will take the lead throughout the process.
- The actions taken by the Parish Council will depend on the nature of the concern. The matters raised may be: - • investigated internally • investigated by the Monitoring Officer at District Council • referred to the Police

5.10. In order to protect individuals and the Parish Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The person undertaking the preliminary enquiry will contact you to understand the complaint more fully and if appropriate undertake an investigation.

5.11. The Parish Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal or contractual constraints, you will receive information about the outcomes of any preliminary enquiries and investigations.

5.12. HOW THE MATTER CAN BE TAKEN FURTHER. The Parish Council will look into all reasonable concerns and hopes its enquiries and investigations will satisfy you. If you are not satisfied, and if you feel it is right to take the matter outside the Parish Council, the following are possible contact points:

- Monitoring Officer, District Council
- Police
- “Public concern at work” <http://www.pcaw.org.uk> telephone number 0207 404 6609.

5.13. If you do take the matter outside the Parish Council, you need to ensure that you do not disclose confidential information.

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## 6. BRIBERY

- 6.1. The Bribery Act 2010 came into force on 1 July 2011. The act affects everyone in the country in all aspects of life, not only public bodies including parish councils.
- 6.2. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
- 6.3. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 7 covers the corporate offence of failure by an organisation to prevent bribery.
- 6.4. A parish council will have a defence under the law if it can show that it has taken reasonable precautions to prevent bribery.
- 6.5. Bribery is a criminal offence. Mepal Parish Councillors and Officers do not, and will not, pay bribes or offer improper inducements to anyone for any purpose. We will not accept bribes or improper inducements.
- 6.6. Mepal Parish Councillors and Officers will not use a third party as a conduit to channel bribes to others, nor will we engage indirectly in, or otherwise encourage, bribery. We will not accept payments, inducements or gifts to secure or expedite actions.
- 6.7. We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery.
- 6.8. If in the course of your duties someone offers a bribe or inducement you must politely refuse and immediately report the matter to one (or more) on the list below:
  - Clerk
  - Chairman (or in his absence the Vice Chairman)
  - Monitoring Officer, District Council
  - Police
- 6.9. If you report the matter to the Parish Council Chairman or the Clerk they will discuss the allegation immediately with the Monitoring Officer at District Council.
- 6.10. If you receive information that an act of bribery has taken place or may take place you must note as many details as possible, especially who is involved, how you found out and where/when it took place or will take place. You will not be expected to prove the truth of the allegation but you will need to show why there are grounds for concern. Reports should be made in the same way as shown above.
- 6.11. The earlier a report is made the easier it is to take action. You will not be expected to prove the allegation but you will need to be able to substantiate the allegation to the person you are reporting it to.
- 6.12. Advice and guidance on how matters can be pursued can be obtained from people and organisations on the list above and the charity "Public concern at work" <http://www.pcaw.org.uk> telephone number 0207 404 6609.

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**7. ACCEPTANCE OF GIFTS AND HOSPITALITY**

- 7.1. These notes give guidance on how to react if an Mepal Parish Councillor or Officer is offered hospitality and/or gifts in the course of their public duties. In all such cases the test of appropriate conduct is whether a member of the public, knowing the facts, would reasonably think that the councillor or officer might have been influenced by the gift or hospitality.
- 7.2. Gifts
  - Gifts, other than items of very small intrinsic value such as business diaries or calendars, should not be accepted.
  - A gift which is greater than a small intrinsic value should not be accepted, or if sent by post etc. should be returned.
  - Any gift that is accepted by a councillor or officer which has a value over £25 should be notified to the Clerk and any gift accepted by the Clerk of a value over £25 should be notified to the Chairman (or in his absence the Vice Chairman).
- 7.3. Hospitality
  - Attendance in an official capacity at a function organised by a public authority, public body or by a local non-profit-making organisation is acceptable.
  - Limited hospitality in the form of a meal or refreshments is also a normal courtesy from a business or commercial organisation seeking or providing information etc and is acceptable. However, you must not allow such hospitality to reach a level whereby it could be seen by others to have influenced a decision.
  - If you are ever in any doubt as to what is or is not acceptable in terms of hospitality, the offer should be declined.
- 7.4. If offered a gift or hospitality use the test of appropriate public conduct, that is, whether a member of the public knowing the facts would reasonably think that the councillor or officer might have been influenced by the gift or hospitality. If you think this might be the case decline the gift or hospitality. If the gift is of any intrinsic value (over £25) refuse it. If offered hospitality which is disproportionate refuse it.
- 7.5. The Clerk should be notified of any gifts or hospitality of over £25 in value that has been accepted by a councillor or officer.
- 7.6. Any gifts or hospitality over £25 in value accepted by the Clerk should be notified to the Chairman (or in his absence the Vice Chairman) and will be registered.

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## 8. EQUALITY

- 8.1. Mepal Parish Council is committed to playing its part in tackling discrimination and providing equality of opportunity for all; the purpose of this policy is to ensure that everyone who comes into contact with Mepal Parish Council is treated equally.
- 8.2. It is unlawful to discriminate against any individual(s) on the following grounds, as defined by Equalities legislation:
- Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Nationality
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Marital status
  - Social class
- 8.3. Mepal Parish Council, its officers and councillors are opposed to all forms of unfair and unlawful discrimination and are committed to the promotion and delivery of equal opportunities in the work place and in our contacts and transactions with the public.
- 8.4. All employee's whether full time, part time, fixed contract, agency workers or temporary, 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 Parish Council.
- 8.5. If you detect a possible instance of unlawful discrimination involving an officer or councillor report the matter at once to one (or more) on the list below:
- Clerk (unless the complaint is about the Clerk)
  - Chairman and Vice Chairman (or Vice Chairman alone if the complaint is about the Chairman; or the Chairman alone if the complaint is about the Vice Chairman)
  - Monitoring Officer, District Council
  - Police
- 8.6. The Chairman (or in his absence the Vice-Chairman) will determine the nature and sequence of the investigations relevant to each case and will take the lead throughout the process.
- 8.7. The matter raised may dealt with by being: - • investigated internally • referred to the Monitoring Officer at District Council • referred to the Police
- 8.8. Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The person undertaking the preliminary enquiry will contact you to understand the complaint more fully and if appropriate undertake an investigation.

- 8.9. The Parish Council accepts that you need to be assured that the matter has been properly addressed. Subject to legal or contractual constraints, you will receive information about the outcomes of any preliminary enquiries and investigations.
- 8.10. The Parish Council will look into all reasonable concerns and hopes its enquiries and investigations will satisfy you. If you are not satisfied, and if you feel it is right to take the matter outside the Parish Council, the following are possible contact points:
- Monitoring Officer, District Council
  - Police
  - “Public concern at work” <http://www.pcaw.org.uk> telephone number 0207 404 6609.
- 8.11. If you do take the matter outside the Parish Council, you need to ensure that you do not disclose confidential information.

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Next Review by Clerk		

## 9. CRIME AND DISORDER

- 9.1. Under section 17 of the Crime and Disorder Act 1998 (“the 1998 Act”) Mepal Parish Council has a duty to consider the impact of all its functions and decisions on crime and disorder in its local area.
- 9.2. The duty in section 17 was extended by the Police and Justice Act 2006 and the Policing and Crime Act 2009.
- 9.3. All Parish Councillors and staff are to be provided with a copy of ‘Section 17 of the Crime and Disorder Act 1998 – A Practical Guide for Parish and Town Councils, to ensure they are fully aware of their obligations.
- 9.4. Mepal Parish Council will fully engage with East Cambridgeshire District Council Community Safety Partnership to:
- Reduce and detect crime in the area, including anti-social behaviour.
  - Combat the misuse of drugs, alcohol and other substances in the area
  - Reduce re-offending in the area
- 9.5. In order to prevent crime in the local area Mepal Parish Council has the power to do any of the following, pursuant to section 31 of the Local Government and Rating Act 1997.
- The use of Security, lighting, alarms and CCTV.
- 9.6. The Parish Council will work in partnership with the police, local authorities and key partners and will do all that it legally can to co-operate in the reduction of crime and disorder, given its financial situation at that time.
- 9.7. All reports that are considered by the council will include an impact statement regarding crime and disorder, whether it is a positive or negative impact statement.
- 9.8. The Crime and Disorder Policy will be monitored by Clerk and subject to change in the light of new legal or local information.

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## 10. MEDIA AND ELECTRONIC COMMUNICATION

- 10.1. The use of digital and social media and electronic communication enables the Mepal Parish Council to interact in a way that improves the communications both within the Council and between the Council and the people, businesses and agencies it works with and serves.
- 10.2. Mepal Parish Council has a website, Facebook page, and uses email to communicate. The Council will always try to use the most effective channel for its communications. Over time the Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur, this Policy will be updated to reflect the new arrangements.
- 10.3. The Mepal Parish Council Facebook page intends to provide information and updates regarding activities and opportunities within our Parish and promote our community positively.
- 10.4. Communications from the Council will meet the following criteria:
- Be civil, tasteful and relevant;
  - Not contain content that is knowingly unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive;
  - Not contain content knowingly copied from elsewhere, for which we do not own the copyright;
  - Not contain any personal information.
  - If it is official Council business it will be moderated by either the Chair/Vice Chair of the Council or the Clerk to the Council;
  - Social media will not be used for the dissemination of any political advertising.
- 10.5. In order to ensure that all discussions on the Council page are productive, respectful and consistent with the Council's aims and objectives, we ask you to follow these guidelines:
- Be considerate and respectful of others. Vulgarity, threats or abuse of language will not be tolerated.
  - Differing opinions and discussion of diverse ideas are encouraged, but personal attacks on anyone, including the Council members or staff, will not be permitted.
  - Share freely and be generous with official Council posts but be aware of copyright laws; be accurate and give credit where credit is due.
  - Stay on topic.
  - Refrain from using the Council's Facebook page for commercial purposes or to advertise market or sell products.
- 10.3. The site is not monitored 24/7 and we will not always be able to reply individually to all messages or comments received. However, we will endeavour to ensure that any emerging themes or helpful suggestions are passed to the relevant people or authorities. Please do not include personal/private information in your social media posts to us.

- 10.4. Sending a message/post via Facebook will not be considered as contacting the Council for official purposes and we will not be obliged to monitor or respond to requests for information through these channels. Instead, please make direct contact with the council's Clerk and/or members of the council by emailing.
- 10.5. We retain the right to remove comments or content that includes:
- Obscene or racist content
  - Personal attacks, insults, or threatening language
  - Potentially libellous statements.
  - Plagiarised material; any material in violation of any laws, including copyright
  - Private, personal information published without consent
  - Information or links unrelated to the content of the forum
  - Commercial promotions or spam
  - Alleges a breach of a Council's policy or the law
- 10.6. The Council's response to any communication received not meeting the above criteria will be to either ignore, inform the sender of our policy or send a brief response as appropriate. This will be at the Council's discretion based on the message received, given our limited resources available. Any information posted on the Facebook page not in line with the above criteria will be removed as quickly as practically possible. Repeat offenders will be blocked from the Facebook page. The Council may post a statement that '*A post breaching the Council's Social Media Policy has been removed*'. If the post alleges a breach of a Council's policy or the law the person who posted it will be asked to submit a formal complaint to the Council or report the matter to the Police as soon as possible to allow due process.
- 10.7. **Parish/Town Council Website.**  
Where necessary, we may direct those contacting us to our website to see the required information, or we may forward their question to one of our Councillors for consideration and response. We may not respond to every comment we receive particularly if we are experiencing a heavy workload.
- 10.8. The Council may, at its discretion, allow and enable approved local groups to have and maintain a presence on its website for the purpose of presenting information about the group's activities. The local group would be responsible for maintaining the content and ensuring that it meets the Council's 'rules and expectation' for the web site. The Council reserves the right to remove any or all of a local group's information from the web site if it feels that the content does not meet the Council's 'rules and expectation' for its website. Where content on the website is maintained by a local group it should be clearly marked that such content is not the direct responsibility of the Council.
- 10.9. **Parish/Town Council email.**  
The Clerk to the council has their own council email address [mepalparishcouncil@msn.com](mailto:mepalparishcouncil@msn.com)  
The email account is monitored mainly during office hours, Monday to Friday, and we aim to reply to all questions sent as soon as we can. An 'out of office' message should be used when appropriate.
- 10.10. The Clerk is responsible for dealing with email received and passing on any relevant mail to members or external agencies for information and/or action. All communications on behalf of the Council will usually come from the Clerk, and/or otherwise will always be copied to the Clerk.
- 10.11. Individual Councillors are at liberty to communicate directly with parishioners in relation to their own personal views, if appropriate, copy to the Clerk. NB any

emails copied to the Clerk become official and will be subject to The Freedom of Information Act.

- 10.12. These procedures will ensure that a complete and proper record of all correspondence is kept.
- 10.13. Do not forward personal information on to other people or groups outside of the Council, this includes names, addresses, email, IP addresses and cookie identifiers.
- 10.14. **SMS (texting).** Members and the Clerk may use SMS as a convenient way to communicate at times. All are reminded that this policy also applies to such messages.
- 10.15. **Internal communication and access to information within the Council.** The Council is continually looking at ways to improve its working and the use of social media and electronic communications is a major factor in delivering improvement.
- 10.16. Councillors are expected to abide by the Code of Conduct and the Data Protection Act in all their work on behalf of the Council.
- 10.17. As more and more information will become available at the press of a button, it is vital that all information is treated sensitively and securely. Councillors are expected to maintain an awareness of the confidentiality of information that they have access to and not to share confidential information with anyone. Failure to properly observe confidentiality may be seen as a breach of the Council’s Code of Conduct and will be dealt with through its prescribed procedures (at the extreme it may also involve a criminal investigation).
- 10.18. Members should also be careful only to cc essential recipients on emails i.e. to avoid use of the ‘Reply to All’ option if at all possible, but of course copying in all who need to know and ensuring that email trails have been removed.

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## 11. RETENTION AND DISPOSAL OF RECORDS AND DOCUMENTS

11.1. This policy details the minimum retention time required for council documents before disposal in order for the council to comply with the Freedom of Information Act 2000 Publication Scheme. Where variable times are indicated the Council will review storage after the minimum period has elapsed.

Document	Minimum Period	Reason
<b>MINUTES</b>		
Approved minutes	Indefinite	Archive
Draft/rough/notes of minutes taken at meetings	Until minutes are approved	Management
<b>FINANCE</b>		
Receipt and Payment Accounts	Indefinite	Archive
Paid invoices	6 years	VAT
VAT records	6 years	VAT
Bank Statements	Last completed audit year	Audit
Paying in books	Last completed audit year	Audit
Cheque stubs	Last completed audit year	Audit
Scales of fees and charges	5 years	Management
Members allowances register	6 years	Tax, Statute of Limitations
<b>PLANNING</b>		
Permissions	6 years	Compliance
Permissions - on appeal	Indefinite	Precedent
Permissions - commercial or development	Indefinite	Future compliance
Refusals	2 years	Appeals
<b>INSURANCE</b>		
Insurance policies	2 years	Management
Certificates of Employers' Liability Insurance	40 years	Limitation period
<b>OTHER</b>		
Quotations and tenders	12 years /indefinite	Statute of Limitations
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Routine correspondence, papers & emails		Retain as long as useful
Notes from meetings	Until minutes are confirmed	Minutes are signed

Document History - RETENTION AND DISPOSAL OF RECORDS AND DOCUMENTS		
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## 12. HEALTH AND SAFETY

- 12.1. Mepal Parish Council annually nominate a Health & Safety Officer.
- 12.2. The policy is to provide and maintain working conditions, equipment and systems of work which are safe and healthy for our employees, and to provide information, training and supervision sufficient to maintain safety. Mepal Parish Council also accept responsibility for health and safety of persons other than employees who may be affected by our activities.
- 12.3. The overall and final responsibility in the Council for health and safety is that of Mepal Parish Council (as a corporate body)
- 12.4. The Day-to-day responsibility for ensuring implementation of this policy is that of the Clerk to the Parish Council.
- 12.5. The Health & Safety Officer is responsible for monitoring the work of the Clerk in ensuring implementation of the Health and Safety Policy.
- 12.6. All employees are expected to
  - Co-operate with the parish council on health and safety matters
  - Not interfere with anything provided in the interest of health and safety
  - Take care of their own health and safety and that of other persons who could be affected by their actions
  - Report all health and safety concerns to an appropriate person
  - Not enter restricted areas or use equipment for which suitable and adequate training has not been received
- 12.7. Information, Instruction Training and Supervision
  - Health and Safety advice is available from the Clerk to the Council
  - Supervision of any young workers/trainees working for the Parish Council will be arranged and monitored by the Clerk to the Council
  - Any employees of the Parish Council working as part of that employ at locations under the control of others will be provided with health and safety information by the Clerk to the Council
- 12.8. Induction training for all employees will be provided by the Clerk to the Council
- 12.9. Training records are kept by the Clerk to the Council
- 12.10. Training will be identified, arranged and monitored by the Clerk to the Council
- 12.11. **All Accidents, First-Aid and Work-related Health issues** are the responsibility of The Clerk to the Parish Council.
- 12.12. All accidents and cases of work-related ill health are to be recorded in the accident book. The accident book is kept by the Clerk to the Council.



- 12.13. The person responsible for reporting accidents, diseases and dangerous occurrences to the enforcing authority/ Incident Contact Centre is the Clerk to the Parish Council
- 12.14. All accidents will be investigated by the Clerk to the Parish Council together with the Chairman of the Parish Council
- 12.15. All cases of work-related sickness absence will be investigated by the Clerk to the Parish Council, or, in the case of the Clerk's sickness absence, by the Chairman of the Parish Council
- 12.16. **Safe Plant and Equipment.** All equipment requiring routine maintenance will be identified and effective maintenance procedures drawn up and implemented by the Clerk to the Parish Council
- 12.17. Any faults or concerns regarding plant/equipment should be reported to the Clerk to the Parish Council
- 12.18. New plant and equipment will before it is purchased be checked to ensure that it meets health and safety requirements by the Clerk to the Parish Council
- 12.19. **Control of Substances Hazardous to Health (COSHH).** All substances at present in use and requiring a COSHH assessment will be identified by the Clerk to the Parish Council
- 12.20. COSHH assessments relating to substances at present in use will be carried out, monitored and reviewed by the Clerk to the Parish Council.
- 12.21. For any new activity, substances to be used and requiring a COSHH assessment will be identified, and assessments will be carried out by such person as is nominated in that behalf by the Parish Council
- 12.22. All actions identified as necessary will be implemented by the Clerk to the Parish Council or, in the case of any new activity, by such person as has been nominated in that behalf by the Parish Council, and monitored by the Clerk to the Parish Council
- 12.23. All employees will be informed and trained about relevant use of hazardous substances by the Clerk to the Parish Council
- 12.24. Where necessary, health surveillance will be arranged by the Clerk to the Parish Council
- 12.25. Any resultant health surveillance records will be kept by the Clerk to the Parish Council
- 12.26. Where work is contracted out, contractors will be asked by the Clerk to the Parish Council to supply the necessary documentation to ensure that they conform to the requirements of COSHH
- 12.27. **Risk Assessments.** Risk assessments for existing activities will be undertaken by or on behalf of the Parish Council
- 12.28. A risk assessment for any new activity will be undertaken by such person as is nominated in that behalf by the Parish Council
- 12.29. A risk assessment of any activity undertaken by parties given permission to use assets\* of the Parish Council will be required of such parties
- 12.30. The findings of the risk assessments will be reported to the Clerk to the Parish Council

- 12.31. Responsibility for ensuring the action required in the risk assessments is implemented lies with Mepal Parish Council (as a corporate body)
- 12.32. Assessments will be monitored and periodically reviewed by the Clerk to the Parish Council
- 12.33. Regular health and safety meetings for staff are not, at 1<sup>st</sup> April 2018, necessary
- 12.34. Records of any such meetings if in future they become necessary shall be kept by the Clerk to the Parish Council
- 12.35. **Emergency Procedures – Fire and Evaluation.** The Parish Council controls emergency procedures relating to fire and evacuation at Mepal Sports Pavilion. All details are in the red Emergency File at the pavilion.

Document History – HEALTH AND SAFETY		
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### 13. ENVIRONMENTAL

13.1. Mepal Parish Council aims to carry out its activities with environmental efficiency, actively seeking to protect and enhance the local environment within its area of operation whilst endeavouring to ensure wider adverse environmental impact does not occur as a result.

13.2. In all its activities the Parish Council will aim to;

- i) Minimise the consumption of all resources used in its operations, particularly in respect of the administration of its activities.
- ii) Seek, wherever possible, to use only contractors and suppliers who have their own environmental policy, one which is continually reviewed, updated and measured against recognised, contemporary best practice examples.

13.3. Mepal Parish Council will strive to;

- i) Meet all relevant environmental legislation and regulations
- ii) Regularly update and improve standards in light of increased understanding and knowledge.
- iii) Avoid the creation of unnecessary waste by adhering to a policy of considered, strategic purchasing.
- iv) Recycle and reuse waste materials where possible.
- v) Dispose of all necessary waste through safe and responsible methods.
- vi) Encourage the responsible use of energy
- vii) Respect and protect natural resources by practising conservation and good management.
- viii) Encourage contractors and suppliers to minimise their impact on the environment.
- ix) Encourage its Members and employees to take responsibility for ensuring that the best environmental policy is used and adhered to at all times.

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## 14. GRANT POLICY

- 14.1. Mepal Parish Council awards grants at its discretion to community organisations from within the parish which can demonstrate a clear need for financial support to benefit Mepal by; providing a service, enhancing the quality of life and improving the environment
- 14.2. The organisation must be non-profit making or charitable. Grants will not be made to individuals and would not normally exceed 50% of the cost of the project or activity. Grants will not be made to National Organisations or Religious Groups. Grants from Regional Organisations will not be considered unless they provide a specific service to the community of Mepal.
- 14.3. Grants will not be made retrospectively and only one application for a grant will be considered from each organisation in any one financial year. Organisations will be required to apply annually and each application will be reviewed on an equal basis within each year.
- 14.4. Preference will be given to organisations making use of parish facilities and/or having sought external funding prior to this application.
- 14.5. Consideration will be given to organisations wishing to organise a village event in which other groups are invited to participate. This should be done with a view to enhancing community life and raising funds for participating groups.
- 14.6. A community group may suffer a 'dip' in membership leading to shortage of funds. Temporary assistance can be granted with annual review. If situation does not improve, the community group will be advised to consider its future.
- 14.7. The Grants budget will be set annually as part of the general budget setting process.
- 14.8. Applications will be invited during Autumn each year to be considered at the Full Council Meeting in November each year.
- 14.9. Applicants will be required to complete an application form and return it to the Clerk by a given date.
- 14.10. Applicants will need to provide details of: their aims and purpose; project or activity; proportion/number of beneficiaries living in the electoral area; and demonstrate a clear need for funding.
- 14.11. Organisations will be required to provide a copy of their previous year's accounts or for new initiatives, a budget forecast.
- 14.12. All applicants will be contacted following the Parish Council's decision.

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## 15. COUNCIL EMPLOYEE'S CODE OF CONDUCT

- 15.1. Apply strict honesty and absolute fairness in all matters carried out for the Council, acting without bias
- 15.2. Respect all Confidential Information – never make a disclosure without the authority of the Source
- 15.3. Be prompt in all dealings/responses – if this is not always possible, issue an acknowledgement that a matter is receiving attention
- 15.4. Never use the position in the Council to gain an advantage that is not available to the General Public
- 15.5. Never accept any Favours or Gifts – apart from modest items that might be offered eg. Pens/Diaries/Calendars
- 15.6. Disclose any personal or family Interests in Issues under discussion in Council
- 15.7. Observe correct relations with Members and other Staff. Treat all alike, without favour and avoid over-familiarity
- 15.8. Open Government. Keep everything in the open and discourage closed Sessions. Ensure members and Staff are kept up-to-date with all Matters affecting the Council
- 15.9. Avoid taking any political stance in Council dealings
- 15.10. Be open and amenable to any potential changes in Procedures and Systems
- 15.11. Be aware and fully understand the Legal or Statutory requirements that relate to the Council and work within these frameworks at all times
- 15.12. If it appears that an adopted Policy is illegal or improper, refer the matter to your Local Council Association or District Monitoring Officer
- 15.13. Council Grants, Donations, Sponsorship and the engagement of Contractors. If it could be considered by Residents that Council Staff and their families may benefit from such activities, report the matter to Council

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**16. PROTOCOL FOR DEALINGS OF COUNCIL STAFF WITH MEMBERS OF PUBLIC**

- 16.1. This protocol is about dealings by Parish Council staff (hereafter referred to as ‘staff’) with members of the public on matters for which the Parish council has no direct responsibility, especially matters for which East Cambridgeshire District Council and Cambridgeshire County Council are responsible.
- 16.2. Staff are employed to assist the Parish Council in providing its services and are under no duty to assist members of the public in their dealings with third parties.
- 16.3. In general, the appropriate response when staff are contacted on matters for which the Parish Council has no direct responsibility is to give the members of the public contact details for the appropriate authority.
- 16.4. In general, staff should not offer to contact the appropriate authority on behalf of members of the public. This can lead to inappropriate involvement by the Parish Council and also runs the risk that time will be spent in following up any contact.
- 16.5. Exceptionally a member of the public may be unwilling to give their name to a public authority and in such a case staff may at their discretion agree to pass on their comment (but not to follow it up).
- 16.6. There is however no objection to staff passing on purely factual matters such as defective street lights, potholes and overgrown hedges on verges and public rights of way. Staff should make it clear that the involvement of the Parish Council will not necessarily lead to a quicker resolution of problems.
- 16.7. Emails passing on factual information not within the remit of the Parish Council will be forwarded to the relevant principal authority.
- 16.8. Staff should be especially cautious in dealing with matters where different people could have different opinions, for example on planning or environment health matters, and especially where there is a disagreement between neighbours. It is important that the Parish Council is not seen as ‘taking side’ unless the Parish Council has expressed a corporate view. If there is a disagreement between neighbour’s emails will not be forwarded where it would amount to publication of defamatory material.
- 16.9. Staff should not take action which could be viewed as lobbying on behalf of members of the public or acting as advocates for members of the public.
- 16.10. Staff should not get involved in matters such as boundary disputes which do not involve any public authority.

Document History – PROTOCOL FOR DEALINGS OF COUNCIL STAFF WITH MEMBERS OF PUBLIC		
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## 17. BULLYING AND HARRASSMENT

- 17.1. In support of our value to respect others, Mepal Parish Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the Council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace. It is in every employer's interests to promote a safe, healthy and fair environment in which people can work productively.
- 17.2. 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 and members in order to protect them from bullying and harassment. It should be read in conjunction with the Council's policies on handling Grievance and Disciplinary matters.
- 17.3. The Council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The Council may also share this policy with contractors, visitors and members of the public.
- 17.4. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which undermines, humiliates, denigrates or injures an individual or a group of individuals, eroding their confidence and capability.
- 17.5. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- 17.6. 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.
- 17.7. These definitions are derived from the ACAS (Advisory, Conciliation and Arbitration Service) guidance on the topic. 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.
- 17.8. Examples of unacceptable behaviour are as follows (this list is not exhaustive):
- Spreading malicious rumours,
  - insulting someone,
  - ridiculing or demeaning someone,
  - exclusion or victimisation,
  - unfair treatment,
  - overbearing supervision or other misuse of position or power,
  - unwelcome sexual advances, eg touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected

- 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.
- 17.9. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through supervision methods. It may occur on or off work premises, during work hours or non-work time.
- 17.10. Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council for employees or through referral to the Monitoring Officer as a contravention of the Member's Code of Conduct, which may result in penalties against the member concerned. 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.
- 17.11. The Legal Position: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.
- 17.12. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged, an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.
- 17.13. Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.
- 17.14. 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.
- 17.15. Anyone - employee, contractor, member or visitor - who feels he or she is being bullied or harassed, whether by a councillor, colleague, member of the public or anyone else with whom the Council has contact, should try to resolve the problem informally in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.
- 17.16. Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair or another councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the councillor, as this will enable the formal Grievance Procedure to be invoked.



- 17.17. Any party to the Council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with a The Parish Clerk or a councillor where possible. A member of the public who feels s/he has been bullied or harassed by any members or officers of a Council should use the Council's official Complaints Procedure.
- 17.18. Grievance – Employees only. A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Council's Grievance Procedure.
- 17.19. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer as appointed by the Chairman/councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality.
- 17.20. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the Council should contact NALC (National Association of Local Councils), an employer's body or ACAS to this effect, or the Council may offer counselling. The employee will have a right of appeal as established by the Employment Act 2002.
- 17.21. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process. Hence details of the full grievance will not be shared with the full Council without prior approval by the complainant. The Council will commit not to victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.
- 17.22. Disciplinary Action. Following a Grievance Hearing or investigation into allegations of bullying or harassment, a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.
- 17.23. For an employee found to have been bullying/harassing others, this will follow the Council's Disciplinary procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.
- 17.24. For councillors who the Council reasonably believes to have been bullying or harassing another person(s) whilst undertaking Council activities, the action taken must be reasonable and in some cases counselling or training in appropriate skill areas, e.g. interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the Council, where a councillor has been involved in bullying/harassment include: admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the Council and representation on any outside bodies. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

- 17.25. False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.
- 17.26. All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. The Council undertakes to share this policy with all its members and employees and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy. A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full Council for approval. The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

17.27. USEFUL CONTACTS

Monitoring Officer: East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely CB7 4EE. Tel: 01353 665555

ACAS: [www.acas.org.uk](http://www.acas.org.uk) Tel: 0845 7474747

Equality and Human Rights Commission: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Direct Gov Website. [www.gov.uk](http://www.gov.uk)

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Next Review by Clerk		

## 18. TRAINING

- 18.1. Mepal Parish Council is an organisation which recognises the value of learning. Members and staff will be supported to undertake the training and development which they need to help them achieve and maintain a high standard of performance and all will be given encouragement and support to achieve their full potential. This will allow them to provide a proper level of service to the residents of Mepal.
- 18.2. All are entitled to:
- Equality of opportunity in all aspects of their development.
  - An induction programme into their own role as well as to the workings of Mepal Parish Council.
  - An understanding of the direction and objectives of the council.
  - An understanding of the contribution that is expected of them.
- 18.3. Staff are entitled to:
- Clear and measurable objectives for their performance at work.
  - An annual review of their performance, role and training needs.
  - A personal development plan which addresses their development needs.
  - A Chairman and Council who are committed to staff development.
  - Paid release from work commitments in order to undertake training.
  - Training and certification in accordance with all legal and statutory requirements according to their role.
- 18.4. Member are entitled to:
- New Councillors will be given a “New Councillor’s Pack” when joining the Council.
  - New Councillors will be encouraged to undertake the New Councillor Training course provided by CPALC.
  - Specialist training according to need and role in the council will be reviewed annually.
  - If the whole Council requires training on a particular subject the clerk will source the appropriate provision.
- 18.5. Training needs will be assessed annually as part of the budget setting process. Approved sums will be made available in each budgetary period to allow required training to take place.
- 18.6. The main training provider are Cambridgeshire & Peterborough Association of Local Councils, Society of Local Council Clerks, National Association of Local Councils, Cambridgeshire County Training Partnership, and East Cambridgeshire District Council.
- 18.7. The Council is supported by Cambridgeshire & Peterborough Association of Local Councils and is also a member of Cambridgeshire ACRE, the Local Council Advisory Service and Cambridgeshire Playing Fields Association. Specific training on

legislative changes is provided by East Cambridgeshire District Council. The Clerk is a member of the Society of Local Council Clerks.

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**19. DISABILITY**

- 19.1. The Policy of Mepal Parish Council is based on the principle that – as far as possible- all disabled people will be accorded with the same quality of treatment, dignity and respect as all other people. This means that all members of the public will receive as near equal service as possible, and the occasions when some may feel that they are being treated differently reduced to a minimum.
- 19.2. Mepal Parish Council recognises that there may be constraints to the service that we can offer from premises we occupy. We undertake to listen and consider and solutions that might resolve these issues and that respect the dignity of the person with a disability.
- 19.3. Mepal Parish Council will take an inclusive approach to providing access to our services and facilities for as wide a range of people with disabilities as possible, acknowledging that there may be some circumstances where particular provision may be necessary for people with certain disabilities.
- 19.4. Mepal Parish Council is an equal opportunities employer and will work to make all reasonable adjustments to the workplace to enable any member of staff with a disability to enjoy a satisfying and fulfilling work life.
- 19.5. Mepal Parish Council will provide awareness building for all members of staff on how they may meet the needs of disabled people.

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