# Brundall Parish Council

Advisory and Scrutiny Committee Meeting Minutes

**8th November 2021 held online via Zoom**

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| Present: Chairman J Warne, Cllr J Mickelburgh, Deputy Clerk: C Dickson | | |
| *Minute* | *Details* | *Action* |
| **AC218** | **Apologies for Absence**  None. |  |
| **AC219** | **Declarations of Interest**  None received. |  |
| **AC220** | **Minutes of the Last Meeting 14th October 2021**  The minutes wereunanimously **approved**. |  |
| **AC221** | **Matters Arising**  None. |  |
| **AC222** | **Public Participation**  None in attendance. |  |
| **AC223** | **Bullying and Harassment Policy Elected Officials of the Council**  The Committee **resolved** to propose the policy detailed below to full Council for approval: Brundall Parish Council Bullying & Harassment Policy: Elected Officials of the Council  **Introduction**  All Elected Officials of the Council should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.  This policy and procedure provide guidance on what to do if any person is concerned about bullying or harassment and what to expect if they raise concerns. It applies to all Elected Officials of the Council.  **Policy**  The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours, on Council property or elsewhere, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.  The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. All persons should also be aware that if a court or tribunal finds that they have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.  The Council will take appropriate action if any of the Elected Officials are bullied or harassed by staff, Elected Officials, members of the public, or suppliers.  **All Elected Officials will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.**  **What type of treatment amounts to bullying or harassment?**  Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates, denigrates, or injures the person who is subject to the bullying.  Harassment is a malicious action towards an individual, which may include reference to their ‘protected characteristics’ (as per the Equality Act such characteristics include: sex, gender reassignment, race, disability, pregnancy and maternity, sexual orientation, religion or belief, marriage and civil partnership, and age). This may have the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment amounts to unlawful discrimination if it relates to a ‘protected characteristic’.  Examples of bullying and harassment include:   * Deliberate or unintentional * Between two individuals or a group * Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex, or sexual orientation * Lewd or suggestive comments * Obvious or insidious * Persistent or an isolated incident * Deliberate exclusion from conversations or work activities * Withholding information, a person needs to do their job * Practical jokes, initiation ceremonies or inappropriate birthday rituals * Physical abuse such as hitting, pushing, or jostling * Searching through personal property of an employee without their permission or the presence of an independent person on behalf of the employee * Hiding or damaging personal property of an employee * Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others * Face to face, in writing, by email, telephone or social media * Overbearing supervision and abusing a position of power * Deliberately undermining a competent worker by overloading and constant criticism * Preventing individuals from progressing by intentionally blocking promotion or training opportunities   **THIS IS NOT AN EXHAUSTIVE LIST**  It is important to recognise that conduct which one person may find acceptable another may find totally unacceptable. All Elected Officials must, therefore, treat their colleagues with respect and appropriate sensitivity.  Bullying does not include appropriate criticism of an Elected Official’s behaviour or proper performance management.  Incidents of harassment may also constitute a criminal offence and may therefore need to be reported to the Police.  **Responsibilities**  Employee Responsibilities   * To behave in accordance with the Code of Conduct[[1]](#footnote-1) and treat colleagues with dignity and respect. * Discourage bullying and harassment by making it clear that such behaviour is unacceptable and supporting colleagues who suffer such treatment. * Challenge inappropriate behaviour early and report as appropriate.   Elected Officials Responsibilities  Elected Officials must take all reasonable steps to ensure the working environment is free from bullying and harassment by:   * Acting as a positive role model * Being aware of work situations where there is a potential for bullying and harassment and to guard against it * Ensuring all employees are aware of the standards of behaviour and conduct expected of them. * Treating all complaints seriously, with sensitivity to the feelings and perceptions of all those involved. * Dealing with any issues raised fairly and confidentially * Taking steps to ensure that employees who bring complaints, or support others to do so, are not treated less favourably * Taking immediate action if bullying and/or harassment is suspected or identified * Being familiar with policy and provide advice on procedure * Any adverse comments made via the media and social media or outside of the Council in any form regarding staff or fellow Elected Officials will be dealt with robustly. * To behave in accordance with the Code of Conduct[[2]](#footnote-2) and treat colleagues with dignity and respect.   It is not only the Elected Official’s perception of what behaviour is acceptable which defines harassment. The recipient’s view of the behaviour is important and if the recipient feels that they have been harassed the complaint must be taken seriously and actioned.  **Reporting concerns**  What should be done if an incident is witnessed and believed to be harassment or bullying  If any person witnesses such behaviour they should report the incident in confidence to the Clerk or one of the Nominated Elected Officials. If one of the ‘Nominated Elected Officials’ is the accused party then the matter will be passed to the Chair of the Council. Such reports will be treated seriously and be dealt with in line with the relevant legislation.  What should be done if a person feels they are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)  If any person feels they are being bullied or harassed by someone with whom they come into contact at their place of work, this should be raised with the Clerk or one of the Nominated Elected Officials in the first instance. They will then decide how best to deal with the situation, in consultation with the complainant.  What should be done if a person feels they are being Bullied or Harassed by an Elected Official  If any person is being bullied or harassed by an Elected Official, raise this with the Clerk or the Chair of the Council in the first instance. They will then decide how best to deal with the situation, in consultation with the complainant. There are two possible avenues for the aggrieved individual, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct[[3]](#footnote-3) breaches will be investigated by the Monitoring Officer of Broadland District Council.  If the Nominated Elected Official, the Chair or the Monitoring Officer are compromised in any way, the complaint should then be dealt with by a Monitoring Officer from another District/Borough Council.  **Informal resolution**  If any person feels they are being bullied or harassed they may be able to resolve the situation themselves by explaining clearly to the perpetrator(s) that their perceived behaviour is unacceptable, contrary to Council policy. Alternatively, they may wish to ask the Clerk, a colleague, or another Elected Official to put this on their behalf, or to be with them when talking to the alleged perpetrator(s).  If the above approach does not work or if they do not want to try to resolve the situation in this way, or if they feel they are being bullied by their peers, they should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with them the option of trying to resolve the situation informally by:   * Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on the complainant. * That such behaviour is contrary to Council policy. * That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.   It may be possible to have the conversation with the alleged perpetrator without revealing the complainants name, if this is what they want. It will also be stressed that the conversation is confidential.  However, by its nature, bullying and harassment may make the Elected Official feel embarrassed, worried about damaging their reputation or the working environment, and fearful of not being taken seriously and subsequent reprisals. In these situations the Chair of the Council, a colleague, or a suitable representative can make an initial approach.  If the complaint is resolved informally, the matter may be considered closed. However, in exceptional circumstances (such as a serious allegation of harassment or in cases where a problem has happened before) the Council may decide to investigate further and take more formal action notwithstanding that the matter was raised informally.  Where appropriate, mediation may be offered. The aim of mediation would be, with the agreement of all parties, to bring people together in an informal, neutral setting to enhance communication and understanding to bring about effective resolution at the earliest stage possible.  **Raising a formal complaint…**  If an informal resolution is unsuccessful or inappropriate, a formal complaint may be made about the alleged harassment or bullying to the Clerk or the Chair of the Council.    The Clerk or the Chair of the Council will appoint a panel of 3 Elected Officials, Clerk and/or Deputy Clerk to investigate the complaint. The aggrieved party will need to co-operate with the investigation and provide the following details (if not already provided):   * The name of the alleged perpetrator(s), * The nature of the alleged harassment or bullying, * The dates and times the alleged harassment or bullying occurred * The names of any witnesses, and * Any action taken to resolve the matter informally   … against a Elected Official  The Clerk or the Chair of the Council will appoint 3 Elected Officials, Clerk and/or Deputy Clerk to investigate the complaint. Formal concerns regarding potential breaches of Code of Conduct[[4]](#footnote-4) will be investigated by the Monitoring Officer of Broadland District Council who will have the power to act.  … against a colleague or contractor  The alleged perpetrator(s) would need to be told the name of the complainant and the details of the complaint for the issue to be investigated properly. However, the Council will carry out the investigation as confidentially and sensitively as possible. Where the complainant and the alleged perpetrator(s) work in proximity to each other, the Council will consider whether it is appropriate to separate them whilst the matter is being investigated.  … against a member of the public or supplier  The Council will investigate the complaint as far as possible by contacting the member of public or the supplier’s employer and asking for a response to the allegations.  **During the investigation**  Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, it is decided that an employee has harassed or bullied another employee/Elected Official, then the employee may be subject to disciplinary action, up to and including dismissal. If, after an investigation, it is decided that an Elected Official has harassed or bullied another employee/Elected Official, then the Elected Official shall be reported to the Monitoring Officer of Broadland District Council.  **Outcome**  After the investigation, the panel will inform the perpetrator/alleged perpetrator of the findings of the investigation and advise them they have a right of appeal against the decision. Any application for an appeal should be made in writing explaining the reasons for dissatisfaction with the decision.  After the investigation, the panel will inform the complainant of the decision and to notify them of the right to appeal if they are dissatisfied with the outcome. An application for an appeal should be made in writing explaining the reasons for dissatisfaction with the decision.  **Victimisation**  Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.  **Disclosure and confidentiality**  All personal data collected during this process will be treated in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the privacy notice.  This procedure represents the standards of behaviour that are expected of Elected Officials as per the Code of Conduct.  Policy effective from: Date for next review:  — policy ends here —  **Notes**   1. Protected characteristics   A ‘protected characteristic’ is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.  Discrimination includes treating people differently because of a protected characteristic. Harassment is unwanted conduct related to a ‘protected characteristic’. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.   1. Legal risks   An employee does not need to be employed to make a discrimination claim at a tribunal.   * Job applicants who believe they have not been appointed because of a ‘protected characteristic’ can make a claim. * New or established employees who are dismissed because of a health condition can make a discrimination claim at a tribunal. * An employee in their probationary period may claim discrimination if their employment has been ended for no credible reason. * An employee subjected to harassment can make a discrimination claim at a tribunal. * An employee asked to retire can make a discrimination claim at a tribunal.   Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.  A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.  The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.   1. Culture and behaviour   Modern day workforces are eclectic, and a positive culture throughout the council enables staff with different backgrounds and beliefs to share ideas and shape how the council achieves what Elected Officials decide for the community.  Different people find different things acceptable. It may not be obvious that some behaviour would be unwelcome or could offend a person. Those in positions of ‘power’ over an employee may not always understand how words or actions are received. An employee may not always find it easy to communicate how they really feel. ‘Banter’ that on the face of it is reciprocated may nonetheless be unwelcomed and damaging. Others who overhear comments, or learn of them third hand, will form judgements about the culture.  Whilst both staff and Elected Officials jointly determine what the working culture is like, Elected Officials are key in demonstrating what is and isn’t acceptable behaviour. This is apparent from how Elected Officials behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies. Examples of unacceptable behaviour at work include (but are not limited to):   * physical conduct ranging from touching to sexual advances and serious assault; * the offer of rewards for going along with sexual advances, e.g. promotion, access to training; * suggestions that refusing sexual advances will adversely affect aspects relating to employment (such as pay, promotion, training, work opportunities, or any other condition of employment or development; * comments about a person's appearance; * jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion; * questions about a person's sex life; * unwanted nicknames, especially related to a person's age, race or disability; * the use of obscene gestures; * excluding an individual for a non-work reason * treating an employee differently because they have, or are perceived to have, a ‘protected characteristic’ or are associated with someone who does; * the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person; * spreading malicious rumours or insulting someone; * picking on someone or setting them up to fail; * making threats or comments about someone's job security without good reason; * ridiculing someone; * isolation or non-cooperation at work; and * excluding someone from social activities.  1. During the investigation   Employers have duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.  Consider whether a neutral person should be offered as a ‘listening ear’ for both parties in the investigation. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it’s important to consider their wellbeing and mental health.  Ensure that you regularly communicate with both parties.   1. Victimisation   All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelled a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.   1. False allegations   If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially Gross Misconduct.   1. Complaints against Elected Officials   Following the Ledbury case, the law is clear that any formal complaint regarding a beach of the Code of Conduct[[5]](#footnote-5) must be referred to the Monitoring Officer for investigation. During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees with the employee reasonable measures to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person to whom the complaint has been made etc.  The Committee also recommended that the role of the ‘Nominated Elected Official’ be part of the Staffing Committee remit. |  |
| **AC224** | **Bullying and Harassment Policy Employees, Volunteers and Contractors of the Council**  The Committee **resolved** to propose the policy detailed below to full Council for approval: Brundall Parish Council Bullying & Harassment Policy: Employees, Volunteers, and Contractors of the Council  **Introduction**  All staff, volunteers and contractors of the Council should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.  This policy and procedure provide guidance on what to do if any person is concerned about bullying or harassment and what to expect if they raise concerns. It applies to all staff, contractors and volunteers of the Council.  **Policy**  The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours, on Council property or elsewhere, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.  The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. All persons should also be aware that if a court or tribunal finds that they have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.  The Council will take appropriate action if any of the staff, contractors or volunteers are bullied or harassed by staff, Elected Officials, members of the public, or suppliers.  **All Elected Officials will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.**  **What type of treatment amounts to bullying or harassment?**  Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates, denigrates, or injures the person who is subject to the bullying.  Harassment is a malicious action towards an individual, which may include reference to their ‘protected characteristics’ (as per the Equality Act such characteristics include: sex, gender reassignment, race, disability, pregnancy and maternity, sexual orientation, religion or belief, marriage and civil partnership, and age). This may have the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment amounts to unlawful discrimination if it relates to a ‘protected characteristic’.  Examples of bullying and harassment include:   * Deliberate or unintentional * Between two individuals or a group * Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex, or sexual orientation * Lewd or suggestive comments * Obvious or insidious * Persistent or an isolated incident * Deliberate exclusion from conversations or work activities * Withholding information, a person needs to do their job * Practical jokes, initiation ceremonies or inappropriate birthday rituals * Physical abuse such as hitting, pushing, or jostling * Searching through personal property of an employee without their permission or the presence of an independent person on behalf of the employee * Hiding or damaging personal property of an employee * Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others * Face to face, in writing, by email, telephone or social media * Overbearing supervision and abusing a position of power * Deliberately undermining a competent worker by overloading and constant criticism * Preventing individuals from progressing by intentionally blocking promotion or training opportunities   **THIS IS NOT AN EXHAUSTIVE LIST**  It is important to recognise that conduct which one person may find acceptable another may find totally unacceptable. All employees/contractors/volunteers must, therefore, treat their colleagues with respect and appropriate sensitivity.  Bullying does not include appropriate criticism of an employee/contractor/volunteer’s behaviour or proper performance management.  Incidents of harassment may also constitute a criminal offence and may therefore need to be reported to the Police.  **Responsibilities**  Employee and Volunteer Responsibilities   * To behave in accordance with the Code of Conduct[[6]](#footnote-6) and treat colleagues with dignity and respect. * Discourage bullying and harassment by making it clear that such behaviour is unacceptable and supporting colleagues who suffer such treatment. * Challenge inappropriate behaviour early and report as appropriate.   Contractor Responsibilities   * To treat colleagues with dignity and respect. * Discourage bullying and harassment by making it clear that such behaviour is unacceptable and supporting colleagues who suffer such treatment. * Challenge inappropriate behaviour early and report as appropriate.   Elected Official Responsibilities  Elected Officials must take all reasonable steps to ensure the working environment is free from bullying and harassment by:   * Acting as a positive role model * Being aware of work situations where there is a potential for bullying and harassment and to guard against it * Ensuring all employees are aware of the standards of behaviour and conduct expected of them. * Treating all complaints seriously, with sensitivity to the feelings and perceptions of all those involved. * Dealing with any issues raised fairly and confidentially * Taking steps to ensure that employees who bring complaints, or support others to do so, are not treated less favourably * Taking immediate action if bullying and/or harassment is suspected or identified * Being familiar with policy and provide advice on procedure * Any adverse comments made via the media and social media or outside of the Council in any form regarding staff or fellow Elected Officials will be dealt with robustly. * To behave in accordance with the Code of Conduct[[7]](#footnote-7) and treat colleagues with dignity and respect.   It is not only the employee/contractor/volunteer’s perception of what behaviour is acceptable which defines harassment. The recipient’s view of the behaviour is important and if the recipient feels that they have been harassed the complaint must be taken seriously and actioned.  **Reporting concerns**  What should be done if an incident is witnessed and believed to be harassment or bullying  If any person witnesses such behaviour they should report the incident in confidence to the Clerk or one of the Nominated Elected Officials. If one of the ‘Nominated Elected Officials’ is the accused party then the matter will be passed to the Chair of the Council. Such reports will be treated seriously and be dealt with in line with the relevant legislation.  What should be done if a person feels they are being Bullied or Harassed by a member of the public or supplier (as opposed to a colleague)  If any person feels they are being bullied or harassed by someone with whom they come into contact at their place of work, this should be raised with the Clerk or one of the Nominated Elected Official in the first instance. They will then decide how best to deal with the situation, in consultation with the complainant.  What should be done if a person feels they are being Bullied or Harassed by a Elected Official  If any person feels they are being bullied or harassed by an Elected Official, this should be raised with the Clerk or the Chair of the Council. They will then decide how best to deal with the situation. There are two possible avenues, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of Code of Conduct[[8]](#footnote-8) will be investigated by the Monitoring Officer of Broadland District Council.  If the Nominated Elected Official, the Chair or the Monitoring Officer are compromised in any way, the complaint should then be dealt with by a Monitoring Officer from another District/Borough Council.  **Informal resolution**  If any person feels they are being bullied or harassed they may be able to resolve the situation themselves by explaining clearly to the alleged perpetrator(s) that their behaviour is unacceptable, and contrary to Council policy. Alternatively, they may wish to ask the Clerk, a colleague, or another Elected Official to put this on their behalf or to be with them when confronting the alleged perpetrator(s).  If the above approach does not work or if they do not want to try to resolve the situation in this way, or if they are being bullied by their own manager, they should raise the issue with the Chair of the Council. The Chair (or another appropriate individual) will discuss with them the option of trying to resolve the situation informally by:   * Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on the complainant. * That such behaviour is contrary to Council policy. * That for employees, the continuation of such behaviour could amount to a disciplinary offence.   It may be possible to have the conversation with the alleged perpetrator without revealing the complainants name, if this is what they want. It will also be stressed that the conversation is confidential.  However, by its nature bullying and harassment may make the complainant feel embarrassed, worried about damaging their reputation or the working environment and fearful of not being taken seriously and subsequent reprisals. In these situations, the Chair of the Council, a colleague, or a suitable representative can make an initial approach.  If the complaint is resolved informally, the matter may be considered closed. However, in exceptional circumstances (such as a serious allegation of harassment or in cases where a problem has happened before) the Council may decide to investigate further and take more formal action notwithstanding that the matter was originally raised informally.  Where appropriate, mediation may be offered. The aim of mediation is, with the agreement of all parties, to bring people together in an informal, neutral setting to enhance communication and understanding to bring about effective resolution at the earliest stage possible.  **Raising a formal complaint…**  If informal resolution is unsuccessful or inappropriate, a formal complaint may be made about the harassment or bullying to the Clerk or the Chair of the Council. A formal complaint may lead to disciplinary action against the perpetrator(s) where they are employed.  The Clerk or the Chair of the Council will appoint a panel of 3 Elected Officials, Clerk and/or Deputy Clerk to investigate the complaint. The complainant will need to co-operate with the investigation and provide the following details (if not already provided):   * The name of the alleged perpetrator(s), * The nature of the alleged harassment or bullying, * The dates and times the alleged harassment or bullying occurred * The names of any witnesses, and * Any action taken to resolve the matter informally   … against a Elected Official  The Clerk or the Chair of the Council will appoint 3 Elected Officials, Clerk and/or Deputy Clerk to investigate the complaint. Formal concerns regarding potential breaches of Code of Conduct[[9]](#footnote-9) will be investigated by the Monitoring Officer of Broadland District Council who will have the power to act.  … against a colleague, volunteer or contractor  The alleged perpetrator(s) would need to be told the name of the complainant and the details of the complaint for the issue to be investigated properly. However, the Council will carry out the investigation as confidentially and sensitively as possible. Where the complainant and the alleged perpetrator(s) work in proximity to each other, the Council will consider whether it is appropriate to separate them whilst the matter is being investigated.  … against a member of the public or supplier  The Council will investigate the complaint as far as possible by contacting the member of public or the supplier’s employer and asking for a response to the allegations.  **During the investigation**  Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, it is decided that an employee has harassed or bullied another employee/Elected Official/volunteer/contractor, then the employee may be subject to disciplinary action, up to and including dismissal. If, after an investigation, it is decided that an Elected Official has harassed or bullied another employee/Elected Official/ volunteer/  contractor, then the Elected Official shall be reported to the Monitoring Officer of Broadland District Council.  **Outcome**  After the investigation, the panel will inform the perpetrator/alleged perpetrator of the findings of the investigation and advise them they have a right of appeal against the decision. Any application for an appeal should be made in writing explaining the reasons for dissatisfaction with the decision.  After the investigation, the panel will inform the complainant of the decision and to notify them of the right to appeal if they are dissatisfied with the outcome. An application for an appeal should be made in writing explaining the reasons for dissatisfaction with the decision.  **Victimisation**  Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.  **Disclosure and confidentiality**  The Council will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the privacy notice.  This procedure represents part of the Contract of Employment of an Employee, and its standards of behaviour are those expected of Elected Officials as per the Code of Conduct. All volunteers with the Council are expected to follow the Code of Conduct.  Policy effective from: Date for next review:  — policy ends here —  **Notes**   1. Protected characteristics   A ‘protected characteristic’ is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.  Discrimination includes treating people differently because of a protected characteristic. Harassment is unwanted conduct related to a ‘protected characteristic’. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.   1. Legal risks   An employee does not need to be employed to make a discrimination claim at a tribunal.   * Job applicants who believe they have not been appointed because of a ‘protected characteristic’ can make a claim. * New or established employees who are dismissed because of a health condition can make a discrimination claim at a tribunal. * An employee in their probationary period may claim discrimination if their employment has been ended for no credible reason. * An employee subjected to harassment can make a discrimination claim at a tribunal. * An employee asked to retire can make a discrimination claim at a tribunal.   Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.  A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.  The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.   1. Culture and behaviour   Modern day workforces are eclectic, and a positive culture throughout the council enables staff with different backgrounds and beliefs to share ideas and shape how the council achieves what Elected Officials decide for the community.  Different people find different things acceptable. It may not be obvious that some behaviour would be unwelcome or could offend a person. Those in positions of ‘power’ over an employee may not always understand how words or actions are received. An employee may not always find it easy to communicate how they really feel. ‘Banter’ that on the face of it is reciprocated may nonetheless be unwelcomed and damaging. Others who overhear comments, or learn of them third hand, will form judgements about the culture.  Whilst both staff and Elected Officials jointly determine what the working culture is like, Elected Officials are key in demonstrating what is and isn’t acceptable behaviour. This is apparent from how Elected Officials behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies. Examples of unacceptable behaviour at work include (but are not limited to):   * physical conduct ranging from touching to sexual advances and serious assault; * the offer of rewards for going along with sexual advances, e.g. promotion, access to training; * suggestions that refusing sexual advances will adversely affect aspects relating to employment (such as pay, promotion, training, work opportunities, or any other condition of employment or development; * comments about a person's appearance; * jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion; * questions about a person's sex life; * unwanted nicknames, especially related to a person's age, race or disability; * the use of obscene gestures; * excluding an individual for a non-work reason * treating an employee differently because they have, or are perceived to have, a ‘protected characteristic’ or are associated with someone who does; * the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person; * spreading malicious rumours or insulting someone; * picking on someone or setting them up to fail; * making threats or comments about someone's job security without good reason; * ridiculing someone; * isolation or non-cooperation at work; and * excluding someone from social activities.  1. During the investigation   Employers have duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.  Consider whether a neutral person should be offered as a ‘listening ear’ for both parties in the investigation. Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it’s important to consider their wellbeing and mental health.  Ensure that you regularly communicate with both parties.   1. Victimisation   All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelled a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.   1. False allegations   If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially Gross Misconduct.   1. Complaints against Elected Officials   Following the Ledbury case, the law is clear that any formal complaint regarding a beach of the Code of Conduct[[10]](#footnote-10) must be referred to the Monitoring Officer for investigation. During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees with the employee reasonable measures to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person to whom the complaint has been made etc. |  |
| **AC225** | **Communications Policy**  The Committee made the following changes to the Communications Policy:  ‘Clerk’ was amended to ‘Clerks’ throughout.  Information Technology  In sections a) and b) ‘a combined printer, scanner and facsimile machine’ was amended to ‘a combined printer and scanner’  ‘in the office’ was inserted after ‘monthly charges’ in relation to internet access.  The paragraph ‘When working from home the Council will provide the necessary equipment for the Clerks to the Council, which will include an approved laptop and printer, and consumables, in order to meet the requirements of the role. The Council will provide and pay, pro rata, for any internet access and expenses required to perform the Clerk’s role, as per the National Joint Council for Local Government Services (NJC).’ Was created.  ‘DVD/DVDs’ was amended to ‘appropriate resources’  ‘Clerk’ was amended to ‘RFO’ in relation to including items in the budget.  ‘disks’ was removed after item c) Removable media.  Website  ‘All content published on the website shall be agreed by the full Parish Council prior to it being published’ was removed.  ‘and one other Member (in cases of absence)’ was removed from access the website for editing.  ‘he or she’ was amended to ‘they’ and ‘him or her’ amended to ‘them’.  Website item i) was amended from ‘A gallery of photographs of local landmarks; and hyperlinks to the websites of Norfolk County Council, Broadland District Council, NALC and other such organisations as the Council may from time to time decide.’ to ‘Hyperlinks to the websites of Norfolk County Council, Broadland District Council, and Norfolk Association of Local Councils.’  Correspondence  ‘his or her’ was amended to ‘their’.  ‘In the cases where a letter is signed and sent by the Clerk to the Council,’ was removed.  ‘The use of email is particularly difficult to control as Members will use their own email facilities. However’ was removed. ‘Members’ was amended to ‘Councillors’ throughout the paragraph, ‘must remember’ was amended to ‘are reminded’, ‘email’ was amended to ‘email response’, ‘considered’ replaced ‘as’ before ‘legally binding’, ‘as a letter’ was removed, ‘must’ was changed to ‘should’, ‘Norfolk County Council, Broadland District Council or the Broads Authority’ was replaced with ‘outside bodies, and ‘such communications being made solely by the Clerk to the Council’ was removed.  Noticeboards  ‘and other’ was removed and ‘and local non-political events’ was inserted.  ‘community notice board’ was amended to ‘Community notice board’.  ‘(eg playschool, local authorities, Member of Parliament, etc)’ was removed from ‘Notices for the benefit of the community’.  ‘The Council reserves the right to determine what is an appropriate notice for public display’ was inserted, and ‘commercial or’ was removed from before ‘offensive nature’.  The Committee **resolved** to put forward the amended Communications Policy to full Council for approval. |  |
| **AC226** | **Casual Vacancy (Co-option) policy**  The Committee considered proposed changes to the Casual Vacancy (Co-option) Policy:  The paragraph starting ‘No applications shall be accepted...’ was brought above the paragraph starting ‘Once the application period has closed...’.  Paragraph ‘The Clerk to the Council shall formally acknowledge receipt of all applications received and invite applicants to attend an informal meeting prior to the next meeting of the Council at which the applications shall be considered’ was amended to ‘The Clerk to the Council shall formally acknowledge receipt of all applications received and invite applicants to attend the next full meeting of the Council. All applicants will also be invited to an informal interview in the week following the full Council meeting’ and a new paragraph ‘The interview panel will consist of no more than 5 members of the Council. All applicants will be asked the same questions. Following the interviews, the panel will consider the candidates and make recommendations to be considered at the next full Council meeting’ was inserted.  The Committee **resolved** to put forward the amended Casual Vacancy (Co-option) Policy to full Council for approval. |  |
| **AC227** | **Staffing Committee Terms of Reference**  The Committee considered several amendments proposed by the Staffing Committee. The Committee made the following changes:  ‘Where a resolution to close the Meeting subject to the Public Bodies and Admission to Meetings Act 1960, and’ was removed.  The removal of item 4 was reversed and amended from ‘Any decisions made on disciplinary matters to be put before the Council for ratification’ to ‘Any decisions made on disciplinary matters to be reported to the Council’.  ‘other employee’ was added into item 9 after Clerk/Deputy Clerk.  ‘any recommendations’ was reinstated into item 12 and ‘as required’ removed.  The Committee **resolved** to put forward the amended Staffing Committee Terms of Reference to full Council for approval. |  |
| **AC228** | **Reserves Policy**  The Committee **resolved** to propose the policy detailed below to full Council for approval: Brundall Parish Council Reserves Policy  **Introduction**  Brundall Parish Council is required to maintain adequate financial reserves to meet the needs of the organisation. The purpose of this policy is to set out how the Council will determine and review the level of reserves.  Sections 32 and 43 of the Local Government Finance Act 1992 require local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. However, there is no specified minimum level of reserves that an authority should hold. It is the responsibility of the Responsible Financial Officer to advise the Council about the level of reserves and to ensure that there are procedures for their establishment and use.  **Types of Reserves**  Reserves can be categorised as general or earmarked.  Earmarked reserves can be held for several reasons:   * Renewals – to enable services to plan and finance an effective programme of equipment and infrastructure replacement and planned property maintenance. These reserves are a mechanism to smooth expenditure so that a sensible replacement programme can be achieved without the need to vary budgets. * Carry forward of underspend - some services commit expenditure to projects, but cannot spend the budget in year. Reserves are used as a mechanism to carry forward these resources. * Insurance reserve – to enable the Council to meet the excesses of claims not covered by insurance. * Other earmarked reserves may be set up from time to time to meet known or predicted liabilities.   General Reserves are funds which do not have any restrictions as to their use. These reserves can be used to smooth the impact of uneven cash flows, offset the budget requirement if necessary or can be held in case of unexpected events or emergencies.  **Earmarked Reserves**  Earmarked reserves will be established on a “needs” basis, in line with anticipated requirements.  Any decision to set up a reserve must be made by the Council.  Expenditure from reserves can only be authorised by the Council.  Reserves should not be held to fund on-going expenditure. This would be unsustainable as, at some point, the reserves would be exhausted. To the extent that reserves are used to meet short term funding gaps, they must be replenished in the following year. However, earmarked reserves that have been used to meet a specific liability would not need to be replenished, having served the purpose for which they were originally established.  All Earmarked Reserves are recorded on a central schedule held by the Responsible Financial  Officer which lists the various Earmarked Reserves and the purpose for which they are held.  Reviewing the Council’s Financial Risk Assessment is part of the budgeting and year end accounting procedures and identifies planned and unplanned expenditure items and thereby indicates an appropriate level of Reserves.  **General Reserves**  The level of General Reserves is a matter of judgement and so this policy does not attempt to prescribe a blanket level. The primary means of building general reserves will be through an allocation from the annual budget. This will be in addition to any amounts needed to replenish reserves that have been consumed in the previous year.  Setting the level of General Reserves is one of several related decisions in the formulation of the medium term financial strategy and the annual budget. The Council must build and maintain sufficient working balances to cover the key risks it faces, as expressed in its financial risk assessment.  If, in extreme circumstances, General Reserves were exhausted due to major unforeseen spending pressures within a particular financial year, the Council would be able to draw down from its earmarked reserves to provide short term resources.  Even at times when extreme pressure is put on the Council’s finances the Council must keep a minimum balance sufficient to pay one month’s salaries to staff in General Reserves at all times.  **Opportunity cost of holding reserves**  In addition to allowing the Council to manage unforeseen financial pressures and plan for known or predicted liabilities, there is a benefit to holding reserves in terms of the interest earned on funds which are not utilised. This investment income is fed into the budget strategy.  However, there is an “opportunity cost” of holding funds in reserves, in that these funds cannot then be spent on anything else. As an example, if these funds were used to repay debt, the opportunity cost would equate to the saving on the payment of interest and the minimum revenue provision, offset by the loss of investment income on the funds. However, using reserves to pay off debt in this way would leave the Council with no funds to manage unexpected risks nor provide a mechanism to fund the planned expenditure for which the reserves were earmarked.  Given the opportunity costs of holding reserves, it is critical that reserves continue to be reviewed each year as part of the budget process to confirm that they are still required and that the level is still appropriate.  **Current level of financial reserves**  The level of financial reserves held by the council will be agreed by the Parish Council during the discussions held regarding the setting of the budget for the next financial year.  The current level of general reserves to be held by the Council should be a minimum of three twelfths of the annual precepted figure, i.e. to fully cover three months’ expenditure. The figure of three twelfths of the precept is to be held rather than three months’ expenditure costs.  Therefore general reserves should be £31,375 for the total precept of £125,500 in the financial year of 2021/22.  The Council agreed to the following levels of reserves as at 31st March 2021:  General reserve £22,554.86  Streetlight maintenance £ 9,784.51  The Pastures S106 £ 70.82  Land Management £ 5,940.94  Allotments £ 8,368.51  Cemetery £12,749.79  Cremer’s Meadow £ 3,018.49  Cremer’s Meadow Cable’s Donation £ 254.56  Church Fen £ 5,516.25  Traffic Management provision £ 7,000.00  Sports & Recreation provision £ 5,000.00  The above levels of reserves were agreed at a meeting on 28th June 2021 (Minute reference 2021-0098), to be reviewed again annually in May/June when the accounts for the financial year have been finalised. |  |
| **AC229** | **Items for the next Agenda (not for discussion)**  None received. |  |
| **AC230** | **Calendar Dates for the Year Ahead:**  **11th January 2022**  **Meeting Closed at 19.02pm** |  |
|  | Signed as a true record…………………………………………….. Date…………………………… |  |

1. **All employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-1)
2. **All Elected Officials will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-2)
3. **All Elected Officials/Employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-3)
4. **All Elected Officials/Employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-4)
5. **All Elected Officials/Employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-5)
6. **All employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-6)
7. **All Elected Officials will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-7)
8. **All Elected Officials/Employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-8)
9. **All Elected Officials/Employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-9)
10. **All Elected Officials/Employees will be expected to operate to the standards set in the ‘Bullying and Harassment Policy’, a failure to do so would be considered a breach of the ‘Code of Conduct’.** [↑](#footnote-ref-10)