

PUXTON PARISH COUNCIL

Puxton & Hewish

Clerk: Donald Hill

18 Mitford Slade Court, Mendip Road, Yatton, Somerset BS49 4JG
Tel: 01934 835578 Mobile: 07774 125578 e-mail: clerk@puxtonparishcouncil.org.uk
Website: puxtonparishcouncil.org.uk

You are summoned to a Council Meeting on January 9th 2020

Please note altered date of this meeting

All meetings are held at 7.30pm in the Village Hall unless stated otherwise

All are welcome, unless precluded by a procedural resolution. You will not be entitled to speak, except within the Public Session

Don Hill - Clerk

AGENDA & AGENDA NOTES

We have vacancies for two Councillors - contact the Clerk or a Councillor, in the first instance, to apply

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST AND DISPENSATIONS

3 PUBLIC SESSION Residents may raise matters affecting the parish.

4 MINUTES OF LAST MEETING - 5th December 2019 - to be agreed, and signed by the Chair.

5 MATTERS ARISING NOT DEALT WITH ELSEWHERE

6 PLANNING (*Latest Enforcement Report November 2019*)

For full details of New applications visit <https://planning.n-somerset.gov.uk/online-applications/>

A370 Pedestrian Crossing - Review of discussion and options discussed in December in light of Clerk's further discussions with NSC planning.

New: 19/P/2868/LBC At 2 Annes Lodge, Bristol Road. Installation of 4 conservation roof-lights into north, east and south roof elevations above staircase/atrium and 2 sun pipes into west roof elevations above staircase.

Due: 19/P/0815/FUL Puxton Pk car park **19/P/0704/FUL** J21 Park & Ride **19/P/0723/OUT** Full Quart. Called in to Planning & Regulatory Committee meeting. Meeting rules mean that Cllrs Corbett & Howard will not be able to speak at that meeting. **Mendip View Business Park: 19/P/2623/FUL** Variations of conditions on prior permission. **19/P/2633/FUL** Erection of 9 additional light industrial units. **Wick Lane Solar Farm: 19/P/2738/FUL** extension to 40 year life. **Pilhay Farm: 19/P/2773/FUL**: Alterations to buildings. **Heathfield Park: 19/P/2816/FUL**: 3 additional pitches. **19/P/2818/FUL**: 4 additional pitches.

7 FINANCE

2019-20 Accounts: pre-circulated with meeting papers.

2020-21 Budget: for discussion and approval.

Cheques: 252 £160 - Adrian Leonard re parish maintenance.

8 ITEMS MONITORED BY CLERK

Puxton Lane: Blocked under-road culvert at Goose Acre Farm.

Maysgreen Lane Cheese Factory 'temporary' edge repair on job list.

Puxton Lane Grip in hand via area officer.

Puxton Lane Curb: Flood resistance team response awaited.

Puxton Rd Drainage at Wyndham Grange: on job list. **Clerk to chase current position.**

Puxton Road Gullies at Council Houses/Howard Cottage: CCTV survey booked.

Puxton Road - Curb break by Briarwood Farm. Area Officer response awaited.

Puxton Rd/Lane Junction - White lines (signage too?) being investigated by NSC.

Puxton Rd/Lane junction: sign re-siting on job list... but in queue.

Wick Lane Rail Bridge: weeds cleared, but the remaining dust has turned to mud, making the footway very slippery. **Clerk to report to NSC** who already plan to revisit the site for further clearance.

Wick Lane: Gully outside Manor Farm floods. Update report due.

A370 Footpath: Subject of ongoing investigation via Cllr Treadaway. **Clerk to follow up.**

A370 Flailing: significant sections not been done and are further impeding use of the A370 footpath. It is the responsibility of either NSC or individual landowners. **Clerk to follow up with Area Officer.**

9 OTHER MATTERS

Governance: Updated Discipline & Grievance Policy based on NALC updated template - for approval.

10 COUNCILLORS' REPORTS

11 DATE OF NEXT MEETING - February 6th 2020 at 7.30pm in the Village Hall.

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Minutes of the Parish Council Meeting of 5th December 2019

*All meetings are held at 7.30pm in the Village Hall unless stated otherwise
Stuart Treadaway, our Ward Cllr, attends when possible*

Present: Cllrs Jim Corbett (Chair), Lynda Redding, Jim Howard, Peter Penfold, Clayton Penfold

In Attendance: Don Hill (Clerk)

Public Attendance: 4

130/19 APOLOGIES FOR ABSENCE - Cllr Treadaway

131/19 DECLARATIONS OF INTEREST AND DISPENSATIONS - Cllr Redding re planning application 19/P/2738/FUL (one of the freeholder family). Cllr Clayton Penfold as applicant re planning application 19/P/2818/FUL

132/19 PUBLIC SESSION

A370 Pedestrian Crossing - (a resident from the proposed site was present) - see Minute 139/29 below: Three revised options for this were delivered to the Clerk during this afternoon and were immediately shared with members. Cllr Redding went out to time vehicle movements from the Congresbury end of the two siting options. From them first appearing round the bend in the road, vehicles reached the original siting after 7 seconds and the option 2/3 siting after only 3 seconds. The meeting was exercised by the closeness of options 2 and 3 to the bend. **The ideal solution appears not to be on the table - ie a crossing at the lay-by bus stop: a letter to NSC from the attending resident explains this. Apparently, he learnt from an NSC site visit, that this location is beset with insuperable problems, at least in the short to medium term: a view that the meeting were not convinced by.** Notwithstanding the ideal solution not being on the table, the resident and four Council Members agreed that option 3 was the best solution of those on offer under the circumstances. The fourth Councillor believes that Option 1 would be the best and that the access objections by residents are not valid. They dared to presume - albeit sceptically - that the wisdom and experience of the highway planners would have to be relied on. The Clerk has asked if there will be signage warning traffic approaching from Congresbury of the new set up 'just round the bend'? (*due to the limited space a safety audit was included as part of the design and location process*). All this added up to a vote by Members of four for for Option 3. And one for option 1. **Clerk to so brief NSC.**

Action and decision on the Planning Applications minuted below form a part of Minute 135/19.

19/P/0723/OUT Full Quart. This application has been called in to the Planning Committee and will be considered at its meeting on January 22nd 2020. This meeting was alarmed by the procrastination over this application, which appears to be being treated like a full application rather than an outline one. Members agreed that, with the Full Quart being the social focus of the community, with no local hotel accommodation available, and with such a need for local employment opportunities, this proposed development would be a winner on all counts. They further agreed that Cllrs Corbett and Howard would attend the NSC planning meeting to voice this Council's support for the proposal. **Clerk to establish attendance and participation protocols and inform Cllrs Corbett and Howard of these.**

Mendip View Business Park - 19/P/2623/FUL Variations of conditions on prior permission. **19/P/2633/FUL** Erection of 9 additional light industrial units - The owner attended the meeting and explained the background to the very full and clear set of paperwork presented in the applications. The site is known, and the proposals were, after discussion, fully understood and agreed with by members. As with the application above, the need for local employment opportunities cannot be stressed

enough. There was also great concern echoed, as with The Full Quart application, at the enormous cost of putting an application like this together - out of all proportion to reason.

Pilhay Farm: 19/P/2773/FUL: Alterations to buildings to accommodate a relocating an agriculture machinery business. Again, the owner was present to explain his purpose. Again Members found no issue with the plans as presented and stressed the much needed local employment opportunities on offer.

133/19 MINUTES OF LAST MEETING - 7th November 2019 - were agreed, and signed by the Chair.

134/19 MATTERS ARISING NOT DEALT WITH ELSEWHERE - none

135/19 PLANNING (*Latest Enforcement Report November 2019*)

For full details of these applications visit <https://planning.n-somerset.gov.uk/online-applications/>

New: Reviewed here and some also in public session at Minute 132/19. Members were unanimously supportive of all these applications. **Clerk to so inform NSC Planners.**

Mendip View Business Park (Chestnut Farm), Bristol Road, Hewish - 2 applications:

19/P/2623/FUL Variations of conditions on prior permission.

19/P/2633/FUL Erection of 9 additional light industrial units.

Wick Lane Solar Farm: (Cllr Redding excluded from review and decision)

19/P/2738/FUL - Wick Lane Solar Farm, West Hewish extension from 24 to 40 year life.

Pilhay Farm:

19/P/2773/FUL: Alterations to building A, reconstruction of building C and change of use of former agricultural buildings A, B and C to a use of repair, maintenance and sale of agricultural vehicles and machinery.

Heathfield Park: (Cllr C Penfold excluded from review and decision)

19/P/2816/FUL: provision of 3 additional pitches together with the formation of additional hardstanding (**applicant a, location 1**)

19//P/2818/FUL: provision of 4 additional pitches together with the formation of additional hardstanding (**applicant b, location 2**)

Due: 19/P/0815/FUL Puxton Pk car park **19/P/0704/FUL** J21 Park & Ride **19/P/0723/OUT** Full Quart

Granted: 19/P/1448/FUL Wick Lane Barn.

136/19 OTHER MATTERS

Broadband - Truespeed Update: Cllr Redding reported that Truespeed did a house to house leaflet drop recently and held a drop-in session at the Full Quart on December 4th. The owner of Mendip View Business Park asked the Clerk to pass his details to Truespeed so that they could supply him with further information. **Clerk to comply with this request.**

137/19 COUNCILLORS' REPORTS

Cllr Redding:

Wick Lane Rail Bridge: weeds have been cleared, but the remaining dust has turned to mud, making the footway very slippery. **Clerk to report to NSC** who already plan to revisit the site for further clearance.

Cutting of roadside hedge at Flavours: They undertook to do this.

A370 Flailing: significant sections have not been done and are further impeding use of the A370 footpath. It is the responsibility of either NSC or individual landowners. **Clerk to follow up with Area Officer.**

Cllr Peter Penfold:

A370 Footpath - progress on this and the severity of the problem provoked a chorus of complaint from every Member and from public attendees. With grass growing out over the path it is becoming increasingly slippery and dangerous for those who are brave enough to continue using it. **Clerk to follow up with Cllr Treadaway.**

138/19 FINANCE

2019-20 Accounts: pre-circulated with meeting papers.

2020-21 Budget: Preliminary figures, to be formally presented and approved at the January meeting.

Cheques: 249 Adrian Leonard re parish maintenance - £160.00. **250** HMRC for PAYE £158.40

139/19 ONGOING ITEMS BEING MONITORED BY CLERK

Puxton Lane Grip in hand via area officer.

Puxton Rd/Lane junction: sign re-siting on job list... but in queue.

Wick Lane: Gully outside Manor Farm floods. Update report due.

Maysgreen Lane Cheese Factory 'temporary' edge repair on job list. Cllr Corbett felt that work on surfaces at the junction were not all well repaired and that the Cheese factory repair gets more urgent by the day.

A370 Footpath: (See also Minute 137/19 above). Subject of ongoing investigation via Cllr Treadaway. **Clerk to follow up.**

Puxton Rd Drainage at Wyndham Grange: on job list. **Clerk to chase current position.**

Council Houses/Howard Cottage Gullies CCTV survey booked. Howard Cottage gully reported.

Puxton Lane Curb: Reported to NSC's flood resistance team. The problem may be resolved without an engineering intervention, simply by getting the landowners adjoining the rhynes to clear their sections - it is, by law, their 'riparian' responsibility, rather than that of the Internal Drainage Board (IDB), or NSC: they all have to do their sections, otherwise bottlenecks will develop, of which the subject section may be one. Enforcing action lies with the IDB, NSC, or the Parish Council. The strongest pressure can come from NSC, because it is their responsibility to keep the highway safe for users. Reported that this has been an unresolved problem over many years.

A370 Pedestrian Crossing: See *Public Session Minute 132/19* above.

Puxton Road - There is half a metre of Curb break-up past Briarwood Farm. Being investigated by Area Officer. Persistent rains have severely softened the ground alongside many curbs across the district, causing vehicles needing to pass each other to sink beside curbs that would normally bear their weight.

Puxton Road/Puxton Lane Junction - White lines (signage too?) being investigated by NSC.

140/19 DATE OF NEXT MEETING - January 2nd 2020 at 7.30pm in the Village Hall.

Clerk to see if this scheduled meeting can be moved to the following Thursday, January 9th.

The meeting closed at 8.40pm

PUXTON PARISH COUNCIL INCOME & EXPENDITURE: 1st April 2019 - 31st March 2020 (Precept £7400.00 : No CT Support Grant)

DATE	ITEM	BANK			BALANCE	Stmnt	NOTES	GENERAL FUND EXPENSE ANALYSIS										TOTALS	VAT	OPERATING FUNDS			
		CH	IN	OUT				Clerk	Clk/Clr Exp	Hall Hire	Parish Maint	Ins/Subs Audit	Pub-licity	Community Fund	Other Costs	Web site	Election Pro			Capital Prov	General Fund	Total Op Funds	
Apr 1	Funds Bought Forward				14,350.74														2000.00	5601.00	6749.74	14350.74	
	Less H & P Community Fund				1,567.96																	1,567.96	1,567.96
	OPERATING BAL B/F				12,782.78														2,000.00	5,601.00	5,181.78	12782.78	
Apr 4	ALCA	100237		58.30	12,724.48	70							58.30										58.30
	NSC 1st Half Precept	BACS	3700.00		16,424.48	70													250.00	250.00	3,200.00		0.00
	Clerk's net pay & expenses	SO		245.50	16,178.98	70		211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	16,156.06	70	AGREES			22.92													22.92
May 9	Clerk's net pay & expenses	SO		245.50	15,910.56	71		211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	15,887.64	71	AGREES			22.92													22.92
Jun 6	Clerk's net pay & expenses	SO		245.50	15,642.14	72		211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	15,619.22	72				22.92													22.92
	Philip Smith - Internal Audit	238		59.50	15,559.72	72							59.50										59.50
	HMRC re PAYE Apr/May/Jun	239		158.40	15,401.32	72	AGREES	158.40															158.40
Jul 4th	Clerk's net pay & expenses	SO		245.50	15,155.82	73		211.20	34.30														245.50
	H&P Village Hall Hire			22.92	15,132.90	73				22.92													22.92
	Vision ICT re web provisions	240		84.00	15,048.90	73											84.00						84.00
	Laurence Holmes Solicitors	241		1561.00	13,487.90	73									1,561.00								1,561.00
	Add back Community Fund		1567.96		15,055.86	-	AGREES																0.00
																							1,567.96
Aug 1	Clerk's net pay & expenses	SO		245.50	14,810.36	74		211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	14,787.44	74				22.92													22.92
Sep 5	NSC 2nd Half Precept		3700.00		18,487.44	74	AGREES												250.00	250.00	3,200.00		0.00
	Clerk's net pay & expenses	SO		245.50	18,241.94	75		211.20	34.30														245.50
	Adrian Leonard July Maint	242		320.00	17,921.94	75					320.00												320.00
	HMRC re PAYE Jul/Aug/Sep	243		158.40	17,763.54	75		158.40															158.40
	ICO GDPR Fee for 2019-20	DD		35.00	17,728.54	75							35.00										35.00
	Tim Beacham St Saviours	244		480.00	17,248.54	75					480.00												480.00
	NSC re Election costs	245		45.00	17,203.54	75											45.00						45.00
	H&P Village Hall Hire	SO		22.92	17,180.62	75	AGREES			22.92													22.92
Sep 16	PKF Littlejohn LLP Ext Audit	246		240.00	16,940.62	76							240.00						40.00				240.00
Oct 3	Adrian Leonard Sept Maint	247		160.00	16,780.62	76					160.00												160.00
	Clerk's net pay & expenses	SO		245.50	16,535.12	76		211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	16,512.20	76	AGREES			22.92													22.92
Nov 7	Clerk's net pay & expenses	SO		245.50	16,266.70	77		211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	16,243.78	77				22.92													22.92
	Adrian Leonard Oct Maint	248		160.00	16,083.78	77	AGREES				160.00												160.00
Dec 5	Clerk's net pay & expenses	SO		245.50	15,838.28			211.20	34.30														245.50
	H&P Village Hall Hire	SO		22.92	15,815.36					22.92													22.92
	Adrian Leonard Nov Maint	249		160.00	15,655.36						160.00												160.00
	HMRC re PAYE lct/Nov/Dec	250		158.40	15,496.96			158.40															158.40
Jan - Mar	Clerk's net pay & expenses	SO		736.50	14,760.46			633.60	102.90														736.50
	H&P Village Hall Hire	SO		68.76	14,691.70					68.76													68.76
	Adrian Leonard Maint	Ch		480.00	14,211.70						480.00												480.00
	Website	Ch		150.00	14,061.70												150.00						150.00
	Newsletter	Ch		50.00	14,011.70									50.00									50.00
	HMRC re PAYE	Ch		158.40	13,853.30			158.40															158.40
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PUXTON PARISH COUNCIL DISCIPLINARY & GRIEVANCE POLICIES

THE DISCIPLINARY POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice <http://www.acas.org.uk/index.aspx?articleid=2174>>. It also takes account of the ACAS guide on discipline and grievances at work: https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf
The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
2. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
3. This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion - a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
 - the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
 - if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
 - information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
 - audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
 - employees have the right to appeal against any disciplinary decision. The appeal decision is final
 - if an employee who is already subject to the Council's disciplinary procedure raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
 - disciplinary action taken by the Council can include a written warning, final written warning or dismissal
 - this procedure may be implemented at any stage if the employee's alleged misconduct warrants this
 - except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
 - if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
 - the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

Examples of misconduct

4. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct: The list is not exhaustive.
 - unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

5. Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive
 - bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology

- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

Suspension

6. If allegations of gross misconduct or serious misconduct are made, the council may suspend the employee while further investigations are carried out. Suspension will be on full pay. Suspension does not imply any determination of guilt or innocence, as it is merely a measure to enable further investigation.
7. While on suspension, the employee is required to be available during normal hours of work in the event that the council needs to make contact. The employee must not contact or attempt to contact or influence anyone connected with the investigation in any way or to discuss this matter with any other employee or councillor.
8. The employee must not attend work. The council will make arrangements for the employee to access any information or documents required to respond to any allegations.

Examples of unsatisfactory work performance

9. The following list contains some examples of unsatisfactory work performance: The list is not exhaustive.
 - inadequate application of management instructions/office procedures
 - inadequate IT skills
 - unsatisfactory management of staff
 - unsatisfactory communication skills.

The Procedure

10. **Preliminary enquiries.** The council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.
If the employee's manager believes there may be a disciplinary case to answer, the council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.
11. **Informal Procedures.** Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

12. A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
13. If a formal disciplinary investigation is required, the Council's staffing committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
 - the allegations or events that the investigation is required to examine
 - whether a recommendation is required
 - how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
 - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
14. The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
15. The staffing committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it.
The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
16. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
17. If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
18. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be considered under the policy.
19. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
20. The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.
21. If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

22. If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors, to formally hear the allegations. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee.
23. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:
 - the names of its Chairman and other two members

- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the information provided to the sub-committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The purpose of the disciplinary meeting hearing is for the allegations to be put to the employee and then for the employee to give their perspective. It will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee and explain the arrangements for the hearing
 - the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
 - the Chairman will invite the employee to present their account
 - the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
 - any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
 - the employee (or companion) will have the opportunity to sum up
24. The Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
25. The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the sub-committee.

Disciplinary action

26. If the sub-committee decides that there should be disciplinary action, it may be any of the following:

First written warning

If the employee's conduct has fallen beneath acceptable standards, a first written warning will be issued. A first written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

Dismissal

The Council may dismiss:

- for gross misconduct
 - if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
 - if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.
27. The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

28. An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
29. The grounds for appeal include;
- a failure by the Council to follow its disciplinary policy
 - the sub-committee's disciplinary decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.
30. Where possible, the appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
31. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
32. At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision

- explain the action that the appeal panel may take.
33. The employee (or companion) will be asked to explain the grounds for appeal.
 34. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
 35. The appeal panel may decide to uphold the disciplinary decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
 36. If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
 37. The appeal panel's decision is final.

THE GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>). It also takes account of the ACAS guide on discipline and grievances at work: https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
 - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
 - audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
 - if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
 - if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
 - the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
 - Employees can use all stages of the grievance procedure. If the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of [] council] who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the council's grievance procedure (see paragraph 5)
 - If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the council's grievance procedure. However, whatever the complaint, the council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination • If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting
 - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
 - findings of the investigation if there has been an investigation
 - an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:
 - the Chairman will introduce the members of the sub-committee to the employee
 - the employee (or companion) will set out the grievance and present the evidence
 - the Chairman will ask the employee questions about the information presented and will want to understand what action does he/she wants the Council to take
 - any member of the sub-committee and the employee (or the companion) may question any witness
 - the employee (or companion) will have the opportunity to sum up the case
 - a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.
11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.
13. Appeals may be raised on a number of grounds, e.g.:
 - a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
 - new evidence has come to light since the grievance meeting.
14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.
15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.
16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing subcommittee
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.