

NEWTON IN THE ISLE

PARISH COUNCIL

Clerk: Dave Gibbs, 358 High Road, Newton in the Isle, PE13 5HS
Tel: 01945 870083 • Email: parishclerk@newtonintheisle.org.uk

To Members of the Public and Press

You are invited to attend a Meeting of the Newton-in-the-Isle Parish Council to be held in Newton Village Hall on **Tuesday 14 November 2023 at 7.30pm.**

Dave Gibbs

Clerk

10 November 2023

AGENDA

All members are reminded that they will need to declare any personal or prejudicial interest and reason before an item discussed at this meeting under the Model Code of Conduct Order 2001 No 3576

050/23 Apologies

To receive and consider apologies from those members not present

051/23 Chairman's Announcements

To receive such announcements as the Chairman may wish to make to the Council

052/23 Public Forum

To receive representations from members of the public regarding issues pertinent to the Council

053/23 Minutes of the Previous Meeting

To approve the minutes of the Parish Council meeting held on Tuesday 12 September

054/23 County and District Councillors Reports

To receive reports from Cllrs S King (CCC), B Barber, S Clark and C Seaton (FDC)

055/23 Police Matters

To receive a report from the Clerk on recent meetings with the Police and issues relating to crime and anti-social behaviour

056/23 Clerk's Report

To receive a report on meetings attended and correspondence received

057/23 Outstanding Matters

To receive updates on matters raised previously and to resolve accordingly

- a) *Abandoned vehicle in Colvile Road*
- b) *Accumulation of scrap in Colvile Road*

- c) *Dangerous path surface at St James Close*
- d) *Vacant properties*
- e) *High Road bench*
- f) *Planter around village sign*
- g) *Mossy pavement in Westfield Road*
- h) *Allocation of vacant allotment*
- i) *Wildflower meadow*
- j) *Arboretum*
- k) *Byway winter closures*
- l) *Village bus service*
- m) *Local Highway Improvements application 2024/25*
- n) *Hedgehog highways*
- o) *Former Colvile School site*
- p) *Village Handyman*
- q) *Highway weeds*
- r) *Playing Field dyke*

058/23 Members' and Residents' Issues

To receive reports from the Clerk and members on matters raised by local residents, and to report on matters raised previously, including the following:

- a) *Welcome packs*

059/23 Finance

To consider and resolve on the following matters:

- a) *To receive an updated financial statement for the period to the end of October*
- b) *To note the National Agreement on Local Government Salaries for 2023/24*
- c) *To approve the following payments:*

100769	<i>D A Gibbs (salary Oct/Nov, backpay and expenses).....</i>	<i>£ 1,874.80</i>
100770	<i>CPRE (subscription).....</i>	<u><i>£ 35.00</i></u>
		<i>£ 1,909.80</i>
- d) *To consider potential projects for inclusion in the budget for 2024/25*

060/23 Policies and Procedures

To review the following policies and procedures and amend or re-adopt as required:

- a) *Complaints Procedure*
- b) *Grievance Policy*
- c) *Disciplinary Policy*

061/23 Date of Next Meeting

*To confirm the date and time of the next meeting of the Council
Tuesday 9 January 2024 at 7.30pm*

NEWTON IN THE ISLE

PARISH COUNCIL

Clerk: Dave Gibbs, 358 High Road, Newton-in-the-Isle, PE13 5HS
Tel: 01945 870083 • Email: parishclerk@newtonintheisle.org.uk

Minutes of a Meeting of Newton-in-the-Isle Parish Council held in the Village Hall on Tuesday 12th September 2023

Present - Cllr R Bradley (Chairman), Cllr S Clark, Cllr D Freeman, Cllr E Jones, Cllr B Simpson, Cllr K Simpson, Cllr S King (CCC), Cllr B Barber (FDC), Cllr C Seaton (FDC), D Gibbs (Clerk), R Moore, G Palmer

035/23 Apologies for Absence

None

036/23 Chairman's Announcements

The Chairman welcomed Cllr K Simpson to the meeting.

037/23 Public Forum

None.

038/23 Membership of the Council

Mr Moore indicated that he would like to rejoin the Council. Members voted unanimously and he was duly co-opted. He signed his declaration of acceptance, witnessed by the Clerk.

039/23 Minutes of Previous Meeting

RESOLVED - that the minutes of the meeting held on Tuesday 11th July 2023 be agreed and signed as a true and accurate record.

040/23 County and District Councillors Reports

County - Cllr King reported that the County Council has now agreed to review its earlier decision to discontinue the cyclical spraying of weeds on the public highway. He urged the Council to sign the petition or to write to the County Council.

A new Local Highways Officer, Bob Rossiter has been appointed and will be arranging to visit the Parish shortly.

Cllr King also circulated details of a range of grants available through Cambridgeshire Community Foundation.

District - Cllr Barber reported that she had been attending training since her election as a Councillor.

Cllr Seaton advised members that August is always a quiet month, with many staff on leave. He noted that the village bus service was to continue as a new contract had been signed with the operator.

041/23 Police Matters

The Clerk reported that two meetings had taken place with the Police. Quarterly priorities were anti-social behaviour in Leverington and neighbouring villages, particularly involving mopeds and motorbikes, speeding in the villages and annual issues arising during the school summer holidays.

042/23 Clerk's Report

The Clerk reported on meetings attended and correspondence received, including community gritting scheme applications, a consultation on involvement in planning decisions, the timetable for the decision on the Wisbech incinerator application, the Cambridgeshire & Peterborough Association's Annual Conference, a consultation on the model financial regulations, the launch of the new Community Living Rooms initiative, and a playground inspection course.

043/23 Outstanding Matters

- a) Abandoned vehicle in Colvile Road - no update received.
- b) Accumulation of scrap in Colvile Road - a skip has been delivered.
- c) Dangerous path surface at St James Close - no update received.
- d) Vacant properties - there are two vacant Clarion Housing properties, in Poppy Close and Goodens Lane. The Longhurst Housing property in Goodens Lane has now been relet.
- e) High Road bench - the new bench has been ordered for delivery in October.
- f) Planter around village sign - Cllr K Simpson will replace the planter shortly.
- g) Mossy pavement in Westfield Road - Cllr B Simpson has swept it, but further work may be required.
- h) Allocation of vacant allotment - Cllr Bradley offered to clear the site for the new tenants.
- i) Wildflower meadow - Cllr Bradley has cut the meadow, which is now awaiting spraying and reseeding by the contractor.
- j) Arboretum - a number of trees will need to be replaced in the autumn.
- k) Byway winter closures - Cllr Bradley will prepare the application for submission to the County Council.
- l) Village bus service - the bus service will continue, but a meeting will be arranged for the seven parishes on the route to discuss the service and the needs of their communities.
- m) Blackdike bridge - the bridge has now been repaired and reopened.
- n) Local High Improvements application 2024/25 - a resubmission of the last application was suggested. Further suggestions were invited. A decision will be made at November's meeting.
- o) Campaign to Protect Rural England membership invitation - members discussed the invitation and agreed to subscribe for a year at a cost of £36 to gain a better understanding of the support available.

044/23 Members' and Residents' Issues

- a) Hedgehog highway project - members agreed to purchase 50 hedgehog highway surrounds at a cost of £150 to be advertised in the newsletter and given to interested residents. Cllr Jones will oversee the initiative.
- b) Playing Field dyke - members noted that the dyke is overgrown and there is evidence of fly-tipping of garden waste. It is due to be cut and sprayed in the autumn. Members asked the Clerk to discuss the possibility of infilling the dyke with the North Level District Internal Drainage Board.
- c) Overgrown hedges - Cllr B Simpson reported a number of hedges obstructing pavements and the sound of dogs barking all night. The Clerk will write an article for the newsletter asking residents to trim their hedges and Cllr Clark will discuss the barking dogs with the District Council.
- d) Cllr Freeman reported that the access to the Playing Field from Goodens Lane adjacent to the school site is overgrown. The Clerk will speak to the grounds maintenance contractor.
- e) Cllr Jones noted that the grounds maintenance contractor has damaged several graves in the churchyard. The Clerk advised members that this contract is managed by the District Council. Cllr Clark will pursue this. He also asked about the long-awaited National Cycle Route signs. The Clerk will discuss this with the new Local Highways Officer.

045/23 Former Colvile School Site

The Chairman welcomed Mr Palmer, the owner of the school site, to the meeting. Mr Palmer outlined the background to his family's involvement with the site over the last 35 years. He explained that the family would like to develop the site and would like help to achieve this. The immediate priorities are to clear the brambles from the site and secure the vehicular entrance to prevent unauthorised access. Cllr Bradley offered to assist with the removal of the brambles and securing of the gateway.

The Clerk noted that the architect who worked on the original plans for the site is still working locally and may be able to revive the original plan, which secured planning permission in 1990.

Members thanked Mr Palmer for attending the meeting and agreed to work with him to bring the site back into use.

046/23 Village Handyman

Members discussed the role of Village Handyman and resolved not to continue this on the current basis. The Clerk will notify the Handyman. Alternative arrangements will be considered in the coming months.

047/23 Speed Monitoring

The Clerk presented data recorded by the MVAS device on the High Road at the western end of the village.

Number of vehicles - 19,278
 Minimum speed - 5mph
 Maximum speed - 63mph
 Average speed - 31.66mph
 85th percentile speed - 38mph
 Number over speed limit - 5.69% - 1,097 vehicles
 Number over prosecutable limit (10%+2 above limit) - 0.99% - 190 vehicles
 Number over disqualification limit (30mph above limit) - 0.0% - 0 vehicles

048/23 Finance

a) The Clerk presented an updated financial statement as at the end of August, showing income of £7,093.18 and expenditure of £9,017.43, resulting in a deficit of £1,924.25 and total funds held of £32,760.75.

b) Members noted the following sum paid by direct debit:

North Level District Internal Drainage Board (drainage rates)..... £ 51.06

c) Members approved the following payments:

<i>100767 D A Gibbs (salary August and September)</i>	<i>£ 895.60</i>
<i>100768 Newton Village Hall (hall hire)</i>	<i>£ 60.00</i>
	<i>£ 955.60</i>

d) Members considered a request for financial support from the Village Hall Management Committee. Cllrs Clerk and Moore declared a non-pecuniary interest in this item as Trustees of the charity and did not participate in the discussion. Members were reassured that the charity had sufficient funds to cover all current expenditure. They resolved not to provide support at the current time and to consider future requests only when evidence of financial need was provided. The Clerk was asked to notify the charity accordingly.

049/23 Date of Next Meeting

The next meeting of the Council will take place on Tuesday 14th November at 7.30pm.

From: [Simon King](#)
To: [Dave Gibbs - Clerk, Newton-in-the-Isle Parish Council](#); duncan.freeman@sky.com; [Richard Bradley](#); [Roger Moore](#); [Samantha Clark](#); [Chris Seaton](#); [Brenda Barber](#); [Ed Jones](#); blairsimpson35@gmail.com; simps001@aol.com
Subject: Newton-in-the-Isle County Council Report 14/11/23
Date: 14 November 2023 10:48:44

Dear colleagues ,

Please see the updates below. Although I am able to attend tonight, as always do remember you are welcome to contact me if anything arises at any time with which I can help.

Best wishes,
Simon
[07939 696322](tel:07939696322)

Change of Local Highway Officer

I have received this clarification:

"I have no problem with the Parish having my number ([07557 135358](tel:07557135358)) to contact me if required. However, I would urge them as anyone to use the report it tool for any faults so they are easier to track and open to all.

Always happy to meet on site on an arranged date and time to discuss jobs where needed"

Bob.Rossiter@cambridgeshire.gov.uk

All outstanding highway issues will be dealt with by the former LHO.

Footpath weeds

Unfortunately at the County Council meeting on 17/10, the Conservative motion for weed killing to begin again immediately was defeated. However an amended motion was adopted that requires a report to go to the Highways & Transport Committee on 23/1/24 assessing the impact of the policy so your lobbying efforts were not in vain - thank you!

Ragwort

Following the discussion on 12th September of its possible dangers, this is from the British Horse Society website:

"Ragwort contains toxic compounds which can be poisonous to horses if eaten in any state

Horses will eat ragwort if nothing else is available, accidentally or where parts of the plant have wilted and become palatable

landowners/occupiers have an obligation to control the spread if it poses a high risk (within 50 metres) of land used for grazing horses

For horse owners and landowners, it can be extremely frustrating when you spend hours of time and money keeping your pastures and forage production land clear of ragwort, but are being affected due to the spread of ragwort from neighbouring land"

Local Highway Improvement Bids for 2024/2025

Please remember that community groups may also submit bids. Other parish councils have taken advantage of this by providing the community group with the required 10% of

funding.

If the parish council or any community group wishes to submit a bid, the current round started on Monday 30 October and closes at 5pm on Friday 12 January 2024.

There will also be additional opportunities for the parish council or any community group to submit bids for 20mph speed limits from Monday 15 January 2024 to 5pm on Friday 15 March 2024

158 High Rd flooding

As requested by the resident, 'Grips' have been ordered to be cut on the opposite side of the road. I am awaiting an update from the former LHO

Possible Improvements to Bellamy's Bridge Meeting on 30/10

These are my draft notes for your information that will be emailed to Josh Rutherford, the Team Leader, Highway Projects Team by the Parish Clerk of Wisbech St Mary:

"Suggestions for Josh to evaluate for possible inclusion in a combined LHI for 2024/2025 or 2025/2026

Reduced speed limit for all or some of the junction arms

Advisory speed limit signs for all or some of the junction arms

Clearer priority with improved give way or stop signs on some or all of the junction arms or a stop sign just on Seadyke

Rumble strips or speed bumps or raised markings on some or all of the junction arms

Road narrowing

Improved lighting

Chevron signs on all or some of the junction arms

Junction realignment

Previously Parson Drove Parish Council did not support this. A slip road from Seadyke Bank to Sand Bank was suggested so that the junction became a three way junction rather than a four way junction

Josh to provide how the scheme scored under the previous Transport Infrastructure Programme and the changes to scoring under new TIP"

Agenda Item No.	056/23	NEWTON IN THE ISLE PARISH COUNCIL
Meeting Date	14 November 2023	
Report Title	Clerk's Report	

1. Purpose of Report

To report on meetings attended and correspondence received.

2. Key Issues

Meetings attended:

Cambridgeshire Police re Operation Lambretta - 18 October
 Bob Rossiter - Cambridgeshire Highways LHO - 25 October
 Fenland District Council Golden Age 20th Anniversary Celebration - 3 November

Correspondence received:

Cambridgeshire County Council - roadworks and events bulletin, Cambridgeshire Matters newsletter, Steady on your Feet falls prevention programme
 Fenland District Council - Polling places review, Independent Remuneration Panel review, Street Pride Annual Celebration Evening, Fenland Culture Fund launch, Fenlander newsletter, carol service invitation, hate crime resources pack, slow paced football
 NHS - Integrated Care System newsletter
 National Association of Local Councils - newsletter, bulletin and events, local government pay award 2023/24
 Cambridgeshire & Peterborough Association of Local Councils - bulletin, training courses
 Cambridgeshire ACRE - Staying in Touch newsletter, community-owned business webinar
 CCVS - Invitation to AGM
 Queen Elizabeth Hospital - modernising our hospital newsletter

3. Recommendations

Members note the report.

Report Author	Dave Gibbs
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Newton-in-the-Isle Parish Council

Receipts & Payments Summary as at 31.10.23

Income	Year to Date		Budget	%	
FDC Precept	£	10,000.00	£	10,000.00	100.00
FDC Concurrent Functions Grant	£	1,968.00	£	1,968.00	100.00
Allotment Rents	£	195.04	£	473.44	41.20
Village Hall	£	-	£	1.00	0.00
Grants	£	-	£	-	0.00
Donations	£	-	£	-	0.00
Bank Interest	£	57.61	£	20.00	288.05
VAT Refunds	£	-	£	1,092.76	0.00
Miscellaneous	£	-	£	-	0.00
Total Income	£	12,220.65	£	13,555.20	90.15

Expenditure

Clerk's Salary	£	2,686.80	£	5,685.60	47.26
Fees	£	285.00	£	235.00	121.28
Subscriptions	£	403.10	£	475.00	84.86
Admin Expenses	£	100.00	£	1,500.00	6.67
Insurance	£	796.11	£	720.00	110.57
Drainage Rates	£	51.06	£	50.00	102.12
Playing Field	£	104.48	£	7,500.00	1.39
Highways	£	1,315.00	£	4,500.00	29.22
Street Lights	£	3,250.81	£	3,000.00	108.36
Section 137 Payments	£	-	£	2,500.00	0.00
LHI Projects	£	-	£	2,000.00	0.00
Recoverable VAT	£	980.67	£	-	#####
Total Expenditure	£	9,973.03	£	28,165.60	35.41

Summary

Total Income	£	12,220.65	£	13,555.20
LESS Total Expenditure	£	9,973.03	£	28,165.60
Net Surplus or Deficit	£	2,247.62	-£	14,610.40

Balance Sheet

Balance B/fwd	£	34,685.00
Surplus or Deficit	£	2,247.62
Balance C/fwd	£	36,932.62

Represented by

Barclays Community Account	£	24,798.48
Barclays Business Premium Account	£	12,134.14
Cash / Cheques	£	-
	£	36,932.62

NEWTON-IN-THE-ISLE PARISH COUNCIL COMPLAINTS PROCEDURE

1. Newton-in-the-Isle Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - 3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 8 May 2017 and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of Fenland District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Fenland Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.
8. The Clerk or the Council will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be reviewed by the full Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Date of Adoption: 14 November 2023
Minute ref: 060/23(a)

Contact details for the Parish Clerk:

D Gibbs
Newton-in-the-Isle Parish Council
% 358 High Road
Newton-in-the-Isle
Wisbech
PE13 5HS

Phone - 01945 870083

Email - parishclerk@newtonintheisle.org.uk

For Correspondence to the Chairman:

R Bradley
Ivy Cottage
Cross Drove
Newton-in-the-Isle
Wisbech
PE13 4QF

Phone - 07584 055341

Email - richard.c.bradley20@gmail.com

NEWTON-IN-THE-ISLE PARISH COUNCIL

GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice.¹ It also takes account of the ACAS guide on discipline and grievances at work.² 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

¹. <http://www.acas.org.uk/index.aspx?articleid=2174>.

². https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

- 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 Fenland District 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 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 sub-committee
 - 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.

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NEWTON-IN-THE-ISLE PARISH COUNCIL

DISCIPLINARY POLICY

Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice.¹ It also takes account of the ACAS guide on discipline and grievances at work.²

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.³
 - 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

¹ <http://www.acas.org.uk/index.aspx?articleid=2174>

² https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf

³ For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>

- the Council will give employees reasonable notice of any meetings in this procedure. Employees 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 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 Council considers that there are no Councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Council 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 Council 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 Council 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 Council 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 Council decides that there is a case to answer, it will appoint a staffing committee of three Councillors, to formally hear the allegations. The staffing committee will appoint a Chairman from one of its members. The Investigator shall not sit on the committee.
- 23 No Councillor with direct involvement in the matter shall be appointed to the committee. The employee will be invited, in writing, to attend a disciplinary meeting. The 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 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 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 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 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 committee.

Disciplinary action

26 If the 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 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 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 Council who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Council 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 previously involved. 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 Council, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 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.