

## Revised Policies





SANDOWN TOWN COUNCIL

## Communications Policy

APPROVAL DATE:  
REVIEW DATE:  
MINUTE NUMBER:

## COMMUNICATIONS POLICY

### 1. AIMS

- 1.1. To establish clear, easy to use channels of communication between Sandown Town Council and the residents of Sandown and vice versa.
- 1.2. To provide information on important matters in an appropriate manner so as to facilitate and encourage informed comment from interested individuals and groups.

### 2. INTRODUCTION

- 2.1. Each Councillor has a duty to represent, without bias, the interest of the whole community and is available to help parishioners with regard to matters relating to Sandown. They may be contacted by telephone or email (if available) and a contact list is displayed on the council notice board and on the council website.
- 2.2. If the matter is important, then a letter to the clerk or their deputy will ensure that this will be brought before the council and dealt with in a suitable and professional manner. It is the council's intention to comply with the schedule as below.

### 3. COUNCIL MEETINGS

- 3.1. A period of up to 15-minute public question time will be held at the beginning of each Council Meeting 15 minutes are available for members of the public to speak on matters relating to the agenda.
- 3.2. 10 minutes are available for members of the public to speak on any matters relating to town business at the end of the agenda.
- 3.3. The Council will meet in the main hall at the Broadway Centre, unless otherwise notified.
- 3.4. Council meetings will be called by the Town Clerk or their Deputy Clerk.
- 3.5. **Ordinary Meetings**
  - 3.5.1. The council will normally meet at 7:00 pm on the third Monday of the month as the council directs at least three times a year.
- 3.6. **Annual Meeting**
  - 3.6.1. The Annual Meeting will take place in May each year.
  - 3.6.2. Councillors will elect the Mayor and appoint the Deputy Mayor for the coming year at the Annual Meeting of the Council.
- 3.7. **Town Meeting**
  - 3.7.1. The annual Town Meeting will take place in between March and June each year.
  - 3.7.2. The Town meeting will be called by the Mayor.
  - 3.7.3. The town meeting will be an opportunity for any Sandown Government Elector to discuss any public matter relating to or effecting Sandown.
  - 3.7.4. A minimum of 5 days' notice must be given to the Town Clerk or their deputy of any issue to be raised.

### **3.8. Agenda Items for Council, Committees, Sub-Committees and Working Parties**

- 3.8.1. Agenda should be clear and concise. They should contain sufficient information to enable Councillors to make an informed decision, and for the public to understand what matters are being considered and what decisions are to be taken at a meeting.
- 3.8.2. Items for information should be kept to a minimum on an agenda
- 3.8.3. Where the Clerk or a Councillor wishes fellow Councillors to receive matters for “information only”, this information will be circulated via the Clerk.
- 3.8.4. If a resident wishes a matter to be formally discussed at a Town Council meeting, then the clerk must be notified at least 14 days prior to the meeting to enable the item to be placed on the agenda.

## **4. NOTICE BOARDS**

### **4.1. The following items will be displayed permanently:**

- Councillors with contact telephone numbers and email addresses
- Council meetings dates for the year
- Notice of the annual audited accounts will be displayed when appropriate.

### **4.2. The agendas pertaining to council meetings will be displayed 5 days in advance of the meeting.**

### **4.3. Notices of public meetings will be displayed as and when appropriate.**

## **5. WEBSITE**

### **5.1. The following items will be permanently available:**

- Councillors with contact telephone numbers and email addresses
- Council meeting dates for the year once confirmed
- The approved minutes from the next council meeting.
- Financial information including bank reconciliations and annual budget
- The Mayors Annual Report
- All statutory documents including Standing Orders and Financial Regulations
- All adopted policies
- Details of the Publication Scheme

### **5.2. The clerk will ensure that council information included on the website is regularly updated.**

### **5.3. Any council information on the website will be agreed by the clerk and/or the mayor before publication.**

## 6. CORRESPONDENCE

### 6.1. **Council Correspondence**

- 6.1.1. The clerk is the main point of contact for the town council.
- 6.1.2. All correspondence relating to the town council should be addressed to the clerk in the first instance. This will ensure that the matter is recorded and passed to the relevant person or organisation as soon as practicably possible.
- 6.1.3. All correspondence to the clerk will be acknowledged within one week of receipt.
- 6.1.4. All official correspondence should be sent by the Clerk in the name of the council using council letter headed paper.
- 6.1.5. Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being forwarded to that other person (e.g. cc)
- 6.2. No individual Councillor or Officer should be the sole custodian of any correspondence or information in the name of the council, a committee, sub-committee or working party. In particular, councillors and officers do not have a right to obtain confidential information/documentation unless they can demonstrate a 'need to know'.

### 6.3. **Councillor Correspondence to external parties**

- 6.3.1. As the Clerk should be sending most of the council's correspondence from a Councillor to other bodies, it needs to be made clear that it is written in their official capacity and has been authorised by the Town council.
- 6.3.2. A copy of all outgoing correspondence relating to the council or a Councillor's role within it, should be sent to the Clerk, and it be noted on the correspondence, e.g. "copy to the Clerk" so that the recipient is aware that the Clerk has been advised.

## 7. COMMUNICATIONS WITH THE PRESS AND PUBLIC

- 7.1. The Clerk will clear all press reports, or comments to the media, with the Chair of the council or the Chair of the relevant committee.
- 7.2. Press reports from the council, its committees or working parties should be from the clerk or an officer or via the reporter's own attendance at a meeting.
- 7.3. Unless a Councillor has been authorised by the council to speak to the media on a particular issue, Councillors who are asked for comment by the press should make it clear that it is a personal view and ask that it be clearly reported as their personal view.
- 7.4. Unless a Councillor is absolutely certain that he/she is reporting the view of the council, they must make it clear to members of the public that they are expressing a personal view.
- 7.5. If Councillors receive a complaint from a member of the public, this should be dealt with under the Council's adopted complaints procedure, or via a council agenda item.

## 8. COMMUNICATIONS WITH TOWN COUNCIL STAFF

- 8.1. Councillors must not give instructions to any member of staff, unless authorised to do so (for example, three or more Councillors sitting as a committee or sub-committee with appropriate delegated powers from the council).
- 8.2. No individual Councillor, regardless of whether or not they are the mayor of the council, the chair of a committee or other meeting, may give instructions to the clerk or to another employee which are inconsistent or conflict with council decisions or arrangements for delegated power.
- 8.3. Telephone calls should be appropriate to the work of the Town council.

**8.4. E-mails:**

- 8.4.1. Instant replies should not be expected from the Clerk; reasons for urgency should be stated;
- 8.4.2. Information to Councillors should normally be directed via the Clerk;
- 8.4.3. E-mails from Councillors to external parties should be copied to the Clerk;
- 8.4.4. Councillors should acknowledge their e-mails when requested to do so.

**8.5. Meetings with the Clerk or other officers:**

- 8.5.1. Wherever possible an appointment should be made;
- 8.5.2. Meetings should be relevant to the work of that particular officer;
- 8.5.3. Councillors should be clear that the matter is legitimate council business and not matters driven by personal or political agendas.





SANDOWN TOWN COUNCIL

## **Publication Scheme**

(Freedom of Information Act)

APPROVAL DATE:  
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## PUBLICATION SCHEME

### 1. INTRODUCTION

#### 1.1. **The Freedom of Information Act 2000**

The Freedom of Information Act grants to members of the public rights of access to a variety of recorded information held by a wide range of public authorities. Information about the Act is available from the Information Commissioners Officers at [www.ico.gov.uk](http://www.ico.gov.uk) .

#### 1.2. **Publication Scheme**

1.2.1. The Act requires every public authority to adopt and maintain a generic model publication scheme. This policy is designed to provide everyone with a comprehensive guide to the information that the council will automatically or routinely publish, or otherwise make available to the public.

1.2.2. The model scheme is Appendix A of this document.

#### 1.3. **Sandown Town Council's Commitment to the Act**

The Town Council believes in maintaining the transparency of the Council and strives to maintain an open approach to its business.

#### 1.4. **Freedom of Information Requests and the Publications Scheme**

1.4.1. The purpose of this publication scheme is to set out the information that is routinely available. Information that is not listed in the Information Available Guide of this document can still be requested and will be made available unless there is a reason for it to be legitimately withheld.

1.4.2. Application for any information not included in the guide below can be made by making a written request to the Town Clerk who will reply within 20 working days after receipt of the request.

### 2. INFORMATION AVAILABLE FROM SANDOWN TOWN COUNCIL UNDER THE MODEL PUBLICATION SCHEME.

Information to be published	How the information can be obtained
<b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts) This will be current information only	
Who's Who on the Council and any Committees	Website Hard Copy from Clerk
Contact details for Town Clerk and Council members (named contacts with email address )	Website Notice Board Hard Copy
Location of main council office and accessibility details	Website Notice Board
Staffing structure	Website

Information to be published	How the information can be obtained
<b>Class 2 – What we spend and how we spend it.</b> (Financial Information - Current and previous financial year)	
Annual return form and report by auditor	Notice board Hard Copy Website
Finalised budget	Website Hard Copy
Precept (In Minutes & Accounts)	Website Hard Copy
Borrowing Approval letter	Hard Copy
Financial Standing Orders and Regulations	Website Hard Copy
Grants given and received	Website (Minutes) Transparency Code Hard Copy
List of current contracts awarded	Website Transparency Code Hard Copy
Members' allowances and expenses, if applicable	Hard Copy
<b>Class 3 – What are our priorities and progress</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	
Local charters drawn up in accordance with DCLG guidelines	No Charters/Not available
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)	
Timetable of meetings (Council, any committee/sub-committee meetings and town meetings)	Website
Agendas of meetings (as above)	Website Notice board
Minutes of meetings	Website Hard Copy
Reports presented to council meetings (current meeting only)	Website
Responses to consultation papers (current meeting only)	Website (Minutes) Hard Copy
Responses to planning applications	Website (Minutes) IWC Planning Portal
Bye-laws	None/Not available
<b>Class 5 – Our policies and procedures</b> Current information only Information	
Committee - Terms of Reference	Website (Minutes) Hard Copy
Delegated authority in respect of officers (if applicable)	Hard Copy
Code of Conduct	Website
Other Policy statements	Website

<b>Information to be published</b>	<b>How the information can be obtained</b>
<i>Internal policies relating to the delivery of services:</i>	
Equality and diversity policy	Website
Health and safety policy	Website
Recruitment policies	Website Email
Policies and procedures for handling requests for information	Website Hard Copy
Complaints procedure	Website Hard Copy+B16
Records management policies (records retention, destruction and archive)	Website
Data protection policies	Website
Schedule of charges ( for the publication of information)	Website
<b>Class 6 – Lists and Registers</b> (Currently maintained only)	
<i>Any publicly available register or list:</i>	
Assets Register	Hard Copy
Disclosure log	None
Register of members' interests	Website iwight.com
Register of gifts and hospitality	Viewing only (Clerk)
<b>Class 7 – The services we offer</b> (Current information only)	
<b>Broadway Centre</b> Meeting rooms and hall hire	Website Transparency Code
<b>Recreation Facilities at Sandham Gardens</b> Skate Parks MUGA Steven Jenkins Playground Adizone	Assets Register (viewing only)
Seating	Assets Register (viewing only)
<b>Public conveniences</b> Yaverland Toilets St John's Road Toilets Eastern Gardens Toilets	Assets Register (viewing only) Transparency Code
Los Altos Park public open space	Assets Register (viewing only) Transparency Code

3. CHARGES

Method	Charge
Assets Register (viewing only)	Free
Email	Free
Hard Copy	10 p per page plus postage at standard Royal Mail charge.
Notice board	Free
Transparency Code	Free
Viewing only (Clerk)	Free
Website	Free
Staffing structure	Free
Hard Copy (black & white)	10 p per page Postage at standard Royal Mail 2nd Class.



## Model publication scheme

### Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public

authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.

The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

## Classes of information

### **Who we are and what we do.**

Organisational information, locations and contacts, constitutional and legal governance.

### **What we spend and how we spend it.**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

### **What our priorities are and how we are doing.**

Strategy and performance information, plans, assessments, inspections and reviews.

### **How we make decisions.**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

### **Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities.

### **Lists and registers.**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

### **The services we offer.**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

## The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

## Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

### Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.



## SANDOWN TOWN COUNCIL

### RISK MANAGEMENT

#### **Definition of Risk Management**

Risk is the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies. Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements.

#### **Purpose of Document:**

This document has been produced to enable the council to assess the risks that it faces and satisfy itself that it has taken adequate steps to minimise them. In conducting this exercise, the following plan was followed:

- Identify the areas to be reviewed
- Identify what the risk may be
- Evaluate the management and control of the risk and record all findings
- Review, assess and revise if required.
- Risk levels, high, medium and low ( H,M,L).

## MANAGEMENT

Subject	Risk(s) Identified	Level	Management/ Control of Risk	Review/Assess/Revise
<p><b>Forward planning</b></p>	<p>The council does not have or work to, any forward plans. Decisions are being made as and when needed without any long-term planning. Relying on immediate responses and ad hoc decisions as short-term fixes is not good governance and often cost more expense and work in the long run.</p> <p>In 2019, there is still no forward plan and the risk is increasing with projects being agreed with no account of the timescales, capacity of the 'normal' workload of staff in addition.</p>	<p>H</p>	<p>The council must have and work to a forward plan.</p> <p>As a minimum this should be for at least the duration of the term of office.</p> <p>This was reported and agreed in Feb 2018 but not actioned.</p>	<p>Agree a forward plan</p> <p>Review quarterly</p> <p>Revise prior to budget.</p>
<p><b>Risk Assessments</b></p>	<p>There is no evidence the council regularly undertakes risk assessments. These are not just for health and safety measures but should include the legal, financial and long term implications for proposed projects, refurbishments and /or future acquisitions.</p> <p>This must be implemented in 2020</p>	<p>H</p>	<p>A risk assessment of the all assets owned by the Town Council should be undertaken annually.</p> <p>A risk assessment must accompany any proposed large projects or acquisitions before any decision or financial expenditure is made.</p>	<p>Review at least annually</p>
<p><b>Business Continuity</b></p>	<p>Council not being able to continue its business due to an unexpected or tragic circumstance.</p> <p>Procedures are not collated into a central location and multiple copies</p>	<p>m</p>	<p>All files and recent records are kept in the office. The clerk makes regular back up of data files. IW SLCC Secretary available for advice and locum support for key staff at short notice.</p>	<p>Review when necessary</p> <p>Ensure procedures below are undertaken</p>

## MANAGEMENT

Subject	Risk(s) Identified	Level	Management/ Control of Risk	Review/Assess/Revise
	<p>of documents exist in different locations</p> <p>ICT equipment is outdated and very slow, falling over regularly and reducing productivity.</p>		<p>File Map</p> <p>Central list of ongoing and regular tasks.</p> <p>Central procedures.</p> <p>Register of Policies and Licenses.</p> <p>Updated ICT equipment</p>	
<b>Meeting location</b>	<p>Adequacy Health and Safety</p> <p>Microphones do not function correctly limiting public ability to hear discussion.</p>	M	<p>Since April 2018, all meetings are now held in the Broadway Centre which has a full risk assessment of the premises and is fully compliant.</p> <p>Blinds fitted to all windows to ensure privacy.</p> <p>Microphone system needs to be repaired or replaced.</p>	<p>Existing procedures are adequate.</p> <p>Existing procedures adequate.</p>
<b>Council Records</b>	Loss through theft, fire, damage	L	<p>Some older records are retained at the IW County Record store.</p> <p>All records kept in council office storeroom and document retention policy implemented.</p>	Fire alarm in situ – doors all securely locked in offices when vacated.
<b>Council Records electronic</b>	There is no off-site or automated back-up of electronic files.	H	<p>Cloud back up to be arranged.</p> <p>Adequate antivirus protection to be in place.</p>	External hard drive back-up of electronic files produced and kept in safe.
<b>Clerk</b>	<b>Loss of qualified clerk</b>	<b>M</b>	<p>The council must understand and support the Clerk's role.</p> <p>Councillors must adhere to their own specific roles and responsibilities only and not interfere with the Clerk's.</p> <p>Deputy Clerk position created, and appointment made to remove single point of failure and provide succession planning.</p>	Councillor training must be undertaken.

<b>MANAGEMENT</b>				
<b>Subject</b>	<b>Risk(s) Identified</b>	<b>Level</b>	<b>Management/ Control of Risk</b>	<b>Review/Assess/Revise</b>
	Loss of General Power of Competence	H	Reserves should be held to enable training for the Cilca qualification in the event of the experienced clerk resigning and an unqualified person employed as replacement ( bearing in mind that it would take at least 1-2 years to obtain the required qualification).Deputy Clerk to also undertake training.	Adequate reserves held
	Fraud	M	The requirements of Fidelity Guarantee insurance must be adhered to	Adequate
	Training	M	The Clerk should be provided with training as requested, reference books, access to assistance and legal advice via SLCC and time to attend IWSLCC training and meetings and research.	Purchase revised reference books, renew Membership of SLCC and provide and pay for Clerk's time to read and research information.

<b>PHYSICAL EQUIPMENT OR AREAS</b>				
<b>Area</b>	<b>Risk</b>	<b>Level</b>	<b>Control of risks</b>	<b>Review/Assess/Revise</b>
<b>Assets</b>	Loss or Damage Risk/damage to third party(ies) property	L	An annual review of assets is undertaken for insurance provision and maintenance schedule	Existing procedures now adequate
		M	Noted that in 2017 assets disposed without record taken and register unavailable. Standing Orders refer to procedure for asset disposals.	Existing procedures now adequate
<b>All equipment Seats/Signs Toilets Play area</b>	Vandalism and accidental damage	M	Insured against theft and damage. Regular inspections of playground/skate park areas Inspections training undertaken by staff in 2018 All repairs and relevant expenditure for repairs are auctioned	Insurance adequate and increased when new equipment installed

	Inspections, on-going maintenance and repair.		/authorised in accordance with Standing Orders. All Leases/licences held in filing cabinet for review as required and proof of ownership Any damage logged. RoSPA inspection undertaken annually Inspections to be contracted or training undertaken for completion in house. Maintenance schedule to be created and monies needed to be allocated for ongoing maintenance, this should also be considered when equipment is installed.	Annual risk assessments on all facilities and equipment undertaken
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LEGAL LIABILITY				
Area	Risk	Level	Control of Risk	Review /Assess/Revise
<b>Legal Powers</b>	Illegal activity or payments  Committees / Working Parties	L  M	All activity and payments made within the powers of the Town Council (not ultra vires) and to be resolved and clearly minuted.  Ensure established with clear terms of reference to limit any councillor acting beyond their remit.	Existing standing orders and financial regulations are adequate.  Existing procedures adequate if councillors adhere to the rules.
<b>Council meetings</b>	Legality  Non compliance with statutory requirements  Business Conduct  Recording of council business – Poor quality and poor practice	L  L  M  M	Minutes and Agenda are produced in the prescribed timescale by the Clerk and adhere to legal requirements.  Minutes are approved and signed at the next Council meeting and displayed according to the legal requirements.  Business at meetings should be managed by the Chair. Councillors should adhere to the rules and regulations.  Any councillor personally undertaking recordings of meetings for social media purposes should ensure that all councillors, including themselves, are clearly identifiable both visibly and audibly. Alternatively, the Town Council could consider purchase of suitable equipment to record the meetings to an acceptable standard.	Existing procedures adequate Members adhere to rules and the Code of Conduct  All Chairmen should undertake training to understand the role.  Review .

<b>LEGAL LIABILITY</b>					
<b>Area</b>	<b>Risk</b>	<b>Level</b>	<b>Control of Risk</b>	<b>Review /Assess/Revise</b>	
<b>Members interests</b>	Conflict of interests	M	Councillors have a duty to declare any interest either at the start of the meeting or during the meeting, if necessary.	Existing procedures adequate	
	Register of members interest	M	Register of interest forms to be reviewed annually	Members take responsibility to update their own Register.	
<b>Safe keeping of Council Document</b>	Proper document control	L	Documents are held in locked cabinets or password protected. All other data is stored in compliance with the Data Protection Act Policy and GDPR	Existing procedures adequate	
<b>Date of Meeting approved:</b>			<b>Minute no:</b> .....	<b>Date of Next review:</b> January 2021	

## Policies to be Re-Affirmed





## ABSENCE AND SICKNESS POLICY

### 1. Introduction

The Council recognises that sickness and absence can have a big impact on both the business of the Council and the life of employees. This policy sets out how the Council will support employees during sickness absence and what action it will take, if an employee has frequent short-term sickness absences, or a prolonged period of ill health.

### 2. Policy

Should any employee consider they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager. The Council also reserves the right to require employees not to report for work, if it considers an employee is unfit to attend work due to sickness/ injury.

### 3. Notification

Should an employee be unable to work, they must inform their line manager as soon as reasonably practical, ideally on the first day of absence within one hour of their normal start time, stating the reason and the likely length of absence.

### 4. Line Manager

- 4.1. The Town Clerk is the line manager of all staff.
- 4.2. For the purpose of this policy, the Mayor or Deputy Mayor is the Line Manager for the Clerk.

### 5. Certification

- 5.1. All employees must provide the Council with a completed self-certification form for the first seven calendar days of sickness absences. The form should be completed on return to work (if the absence lasts less than seven days).
- 5.2. Should the absence extend to the eighth day (including weekends), the employee must send a fit note, issued by their GP, to the council. This note must also cover any subsequent periods of absence.

### 6. Fit Notes

Should a GP indicate "may be fit for work" on the fit note and identifies potential amendments; the Council will contact the employee and arrange for a meeting to discuss the suggested amendments, before they return to work.

### 7. Return to Work

Employees will not be allowed to return to work until their GP deems that they are fit to do so. Any requests for temporary adjustments to working conditions will be considered and accommodated, wherever possible.

## **8. Absence**

### **8.1. Short-term Absence**

If in any 3 month period there are 3 separate periods of absence (whether certificated or not), or if there is an unacceptable pattern of absence, for example regular time off on Mondays or Fridays When an employee returns to work from any absence (excluding holidays), the line manager will formally review the employees absence record.

### **8.2. Long-term Absences**

Long-term absence is a period of sickness which lasts longer than 2 weeks. The Council will take a sympathetic view about genuine health problems, and will be supportive in its approach to all employees in this situation. Such absence will be monitored by telephone contact.

### **8.3. Problematic Absence:**

If absence reaches problematic levels, the Council may have no choice but to dismiss the employee. The point, at which this action will be taken, will depend on the nature of work and the difficulties employee absence causes to the Council. The Council would regard dismissal as a last resort, following evaluation of medical information, alternative working options and employee views.

## **9. Medical Examinations and Reports**

9.1. In order to gather information about an employee's medical condition, the council may request permission to contact the employees' doctor and ask for a medical report (the employee may request a report copy).

9.2. The Council may in the case of extended periods of absence, require employees to be examined by a medical consultant of its choice in order to seek a medical opinion. If an employee refuses to be examined, they may be dealt with under the council disciplinary procedure.

## **10. Holiday Sickness**

Where an employee is laid up through sickness or injury during a period of pre-booked holiday, the Council will, subject to notification and certification, allow the employee to transfer to sick leave and take replacement holiday at a later date.

## **11. National Agreement on Pay and Conditions of Service ('Green Book' )**

As the Council abides by Green Book provisions, then an employee will be entitled to sick pay as defined in the employee's contract of employment.

## **12. Non-Compliance**

Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with the Council's Disciplinary Policy up to and including dismissal.

### **13. Implementation of the Policy**

The Clerk will discuss the implementation of this policy with all existing employees and it will be included in the induction of all new employees

APPROVAL DATE:  
REVIEW DATE:  
MINUTE NUMBER:





SANDOWN TOWN COUNCIL

# Closed-Circuit Television (CCTV) Policy

REAFFIRM DATE:  
REVIEW DATE:  
MINUTE NUMBER:

## **CCTV POLICY**

### **1. Introduction**

- 1.1 The Town Council has considered the need for using CCTV and has decided that it is required for the prevention and detection of crime and for protecting the safety of the public. It will not be used for other purposes.
- 1.2 Sandown Town Council (the Council) uses closed circuit television (CCTV) images to reduce crime and monitor The Broadway Centre in order to provide a safe and secure environment for members of the public and staff and to prevent the loss or damage to property.
- 1.3 The system comprises a number of fixed cameras.
- 1.4 The system does not have sound recording capability.
- 1.5 The CCTV system is owned and operated by the Town Council and the deployment is determined by the Town Clerk under guidance from the Town Council.
- 1.6 The CCTV is monitored centrally from the Community Centre offices and remotely by the Town Clerk and other staff as necessary.
- 1.7 The CCTV Scheme is registered with the Information Commissioner under the terms of the Data Protection Act 1998.
- 1.8 The use of CCTV and the associated images is covered by the Data Protection Act 1998. This policy outlines the Council's use of CCTV and how it complies with the Act.
- 1.9 All authorised operators and employees with access to images are aware of the procedures that need to be followed when accessing the recorded images. All employees are aware of the restrictions in relation to access to, and disclosure of, recorded images.
- 1.10 The council recognises that during periods where children and young adults are present in a controlled environment that parents and guardians may have concerns with the presence of live CCTV observation. An option will be made available to a designated and responsible individual to temporarily isolate CCTV coverage during applicable periods.

### **2. Statement of Intent**

- 2.1 The Council complies with Information Commissioner's Office (ICO) CCTV Code of Practice to ensure it is used responsibly and safeguards both trust and confidence in its continued use. The Code of Practice is published on the ICO website.
- 2.2 In areas where CCTV is used, the Council will ensure that there are prominent signs placed within the controlled area.
- 2.3 It is not possible to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

### **3. Siting the Cameras**

- 3.1 Cameras will be sited so they only capture images relevant to the purposes for which

they are installed and care will be taken to ensure that reasonable privacy expectations are not violated. The Council will ensure that the location of equipment is carefully considered to ensure that images captured comply with the Data Protection Act.

- 3.2 The Council will make every effort to position cameras so that their coverage is restricted to the Council premises
- 3.3 Members of staff should have access to details of where CCTV cameras are situated.

#### **4. Covert Monitoring**

- 4.1 The Council may in exceptional circumstances set up covert monitoring. For example: Where there is good cause to suspect that illegal or unauthorised action(s), is taking place, or where there are grounds to suspect serious misconduct;
- 4.2 Where notifying the individuals about the monitoring would seriously prejudice the reason for making the recording.
- 4.3 In these circumstances authorisation must be obtained from the Town Clerk.
- 4.4 Covert monitoring must cease following completion of an investigation.
- 4.5 Cameras sited for the purpose of covert monitoring will not be used in areas which are reasonably expected to be private, for example toilet cubicles.

#### **5. Storage and Retention of CCTV images**

- 5.1 Recorded data will be retained for no longer than is necessary. While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded.
- 5.2 All retained data will be stored securely.

#### **6. Access to CCTV images**

- 6.1 Access to recorded images will be restricted to those staff authorised to view them, and will not be made more widely available.

#### **7. Subject Access Requests (SAR)**

- 7.1 Individuals have the right to request access to CCTV footage relating to themselves under the Data Protection Act.
- 7.2 All requests should be made in writing to the Town Clerk. Individuals submitting requests for access will be asked to provide sufficient information to enable the footage relating to them to be identified. For example, date, time and location. The Council will respond to requests within 28 calendar days of receiving the written request and fee.
- 7.3 A fee of £25 will be charged per request.
- 7.4 The Council reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an on-going investigation.

#### **8. Access to and Disclosure of Images to Third Parties**

- 8.1 There will be no disclosure of recorded data to third parties other than to authorised personnel such as the Police and service providers to the Council where these would reasonably need access to the data (e.g. investigators).
- 8.2 Requests should be made in writing to the Town Clerk.
- 8.3 The data may be used within the Council's discipline and grievance procedures as required, and will be subject to the usual confidentiality requirements of those procedures.

## **9. Complaints**

- 9.1 Complaints and enquiries about the operation of CCTV within the Council should be directed to the Town Clerk in the first instance.

## **10. Further Information**

- 10.1 Further information on CCTV and its use is available from the following:
  - CCTV Code of Practice (published by the Information Commissioners Office)
  - Regulation of Investigatory Powers Act (RIPA) 2000
  - Data Protection Act 1998

**CCTV ACCESS REQUEST FORM**

Date of Recording:	
Place of Recording:	Time of Recording:
Applicants Name and Address  Post Code	Tel no
Signature of Applicant (or parent/guardian if under 18)	
Description of Applicant and any distinguishing features (e.g. clothing) A recent photograph may be necessary to aid identification.	
Reason for request ( to be submitted to the Town Council)	
Received by:	Clerk's Signature
Date Received	Time Received
Fee Charged / N.A.  Fee Paid:	Request Approved  YES / NO
Date Applicant Informed:	





## Complaints Procedure

Sandown Town Council will do their utmost to settle complaints and satisfy any complaint made. If a complaint is not settled by the Town Council it cannot refer the complaint to any other body for settlement.

Town and Parish Councils are not subject to the jurisdiction of the Local Ombudsman and there is no independent body to which the complainant can turn to an independent formal assessment.

**Unreasonably persistent or abusive contacts are not appropriate.**

Contacts which might be considered unreasonable would include constant repetition of a query when reasonable answer has been given or endless questions of details when the substance of a matter is closed.

### Code of Practice

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the Clerk.
2. If the complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Mayor.
3. On receipt of a written complaint the Clerk or Mayor, shall (except where the complaint is about his or her own actions) try to settle the complaint directly with. If the complaint is about the behaviour of the Clerk or a Councillor they have to be notified first and given an opportunity for comment on the manner in which it is intended to attempt to settle the complaint.
4. If a written complaint is received about the Clerk or Mayor they have to refer the matter to the Council.
5. If a written complaint is dealt with to the satisfaction of the complainant it will be reported at the next council meeting.
6. The clerk or chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant on which date the complaint will be considered.
7. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the council meeting in public.
8. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.

9. A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practise arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER:



## Dignity at Work and Bullying & Harassment Policy

### 1. PURPOSE AND SCOPE

#### 1.1 Statement

In support of our value to respect others Sandown Town Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the Council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment.

The council will issue this policy to all employees as part of their induction and to all members as part of their Councillor Pack. The Council may also share this policy with contractors, visitors and members of the public.

Bullying and harassment is most likely to be complained about when individual elected members or members of the public criticise Town Council employees, often without objective evidence and in environments which are open to the public such as Town Council meetings, or by way of blogs, Facebook comments, Twitter and other social media ( cyber bullying)

#### 1.2 Definitions.

1.2.1 These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct rather than one off incidents.

1.2.2 Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness, absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

##### Bullying

1.2.3 "Bullying may be characterised as a pattern of offensive, abusive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power which makes the recipient feel upset, threatened, humiliated or vulnerable which tends to undermines their confidence which may cause them to suffer stress".

##### Harassment

1.2.4 Harassment is unwanted conduct that isolates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

1.2.5 This policy cover, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

### 1.3 **Examples.**

1.3.1 Examples of unacceptable behaviour are as follows (this list is not exhaustive). Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities.

1.3.2 Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone, social media or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

### 1.4 **Penalties.**

1.4.1 Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council for employees or through referral to the Standards Committee of the IOW Council as a contravention of the Members' Code of Conduct which may result in penalties against the member concerned.

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

### 1.5 **The Legal position.**

1.5.1 Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health & Safety at Work Act 1974. Under the following laws, bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1995, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 20095, Employment Equality (Age) Regulations 2006.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

## 2. **PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT**

### 2.1 **Informal Approach**

Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

## 2.2 Formal Approach

### Employees

- 2.2.1 Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, initially with the Mayor or other Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

### Others

- 2.2.2 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee /member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring Officer.
- 2.2.3 If elected members are bullying or harassing town council employees, contractors, fellow councillors or members of the public, a referral to the Monitoring Officer as a contravention of the Code of Conduct may be an initial appropriate measure. If this is unsuccessful then referral to the town council's solicitors may follow.
- 2.2.4 If any employee is experiencing bullying or harassment from a member of the public the Town Council will act reasonably in upholding its duty of care towards its own employees. Such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available. In some cases, harassment can constitute a criminal offence and the Town Council will take appropriate legal advice and action if such an issue arises.
- 2.2.5 A member of the public who feels he/she has been bullied or harassed by any members or officers of the council should use the council's official Complaints Procedure details are found on the Council's website.

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER:





## Disciplinary Policy

### 1. PURPOSE AND SCOPE

This procedure is designed to help and encourage all council employees to achieve and maintain high standards of conduct whilst at work or representing the council. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the ACAS Code of Practice APR 2009.

### 2. PRINCIPLES

- 2.1. No disciplinary action will be taken against an employee until the case has been fully investigated
- 2.2. At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- 2.3. At all formal stages the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- 2.4. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- 2.5. An employee will have the right to appeal against any disciplinary penalty imposed.
- 2.6. The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

### 3. MISCONDUCT and GROSS MISCONDUCT

#### **Misconduct**

- 3.1. The following list provides examples of misconduct which will normally give rise to formal disciplinary action:
  - a) Unauthorised absence from work
  - b) Persistent short-term and/or frequent absences from work without a medical reason
  - c) Lateness for work or poor time keeping

- d) Inappropriate standard of dress
- e) Minor breaches of Health and Safety or other Society rules or procedures
- f) Failure to perform your job to the standard expected or in line with your job
- g) description/objectives
- h) Time wasting
- i) Disruptive behaviour
- j) Misuse of the council's facilities (e.g. telephones, computers, email or the internet)
- k) Refusal to carry out reasonable requests or instructions
- l) Smoking in unauthorised areas
- m) Failure to follow an agreed council procedure

3.2. This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated N.B. persistent or frequent absence on medical grounds and long term sickness absence will be dealt with using a procedure for Incapacity, which is described in the Absence Policy.

### **Gross Misconduct**

3.3. The following list provides examples of offences which are normally regarded as gross misconduct:

- n) Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- o) Fighting, assault on another person
- p) Deliberate damage to property of the council, its workers or members
- q) Gross incompetence in the conduct of work
- r) Gross negligence which results in the council or employees being put at risk.
- s) Being under the influence of illegal drugs or excessive alcohol
- t) Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- u) Serious acts of insubordination
- v) Serious breach of duty to keep information of the council, its service providers and its clients confidential
- w) Unauthorised entry to computer records
- x) Serious breach of the council's Security Policy, Health & Safety Policy, Confidentiality or email and Internet Policy
- y) Any action, whether committed on or off the premises, that is likely to or does bring the council into disrepute
- z) Serious negligence which causes or might causes significant loss, damage or injury
- aa) Accepting bribes or incentive payments from suppliers
- bb) Unauthorised use of Council funds or credit

cc) Working with an external agency to provide information which would be detrimental to and cause commercial risk to the council.

3.4. This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at Gross Misconduct level which carries a potential penalty of dismissal. Gross Misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

#### 4. PROCEDURES

##### **Suspension**

4.1. If you are accused of an act of gross misconduct, you may be suspended from work on full pay while the council investigates the alleged offence. Only the appropriately convened committee has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending disciplinary investigation regular contact with a nominated person at the council will be maintained although access to premises, equipment or systems may be denied.

4.2. The Investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. Councils need to consider the implications of such arrangements on its hearing and appeal panel plans early on in the disciplinary process.

##### **Informal Action**

4.3. Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by members of the Staffing (or similar) committee and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used:

##### **Formal Action**

4.4. The level of warning you may receive for misconduct/gross misconduct will depend on how serious the council considers the alleged actions to be and your previous conduct in all the circumstances. In the event of alleged gross misconduct the formal process may commence at Stage 4 -see 3.4 below.

##### Disciplinary Letters

4.4.1. If there is a concern about an employee's conduct or behaviour then a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct will be discussed and will inform the employee of their right to be

accompanied to the meeting.

- 4.4.2. The letter will specify at which stage the disciplinary procedure is being invoked (see 4 stages below) and if invoked at Stage 4 for Gross Misconduct the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

#### Disciplinary Meetings

- 4.4.3. The time and location of a disciplinary meeting should be agreed with the employee and it should be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee to prepare their case e.g. within 5 days of the letter being sent, where practically possible. At the meeting the manager (or in the case of the Clerk being disciplined, the Chair of the hearing panel) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence and call witnesses if advance notice has been given that they will do so.
- 4.4.4. If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g. illness) then the council will reasonably rearrange the meeting. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

### 5. OUTCOMES AND PENALTIES

#### Stage 1 - Oral Warning

- 5.1. In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal ORAL WARNING. He or she will be advised of;
- a) the reason for the warning,
  - b) that it is the first stage of the disciplinary procedure,
  - c) the improvement that is required and the timescales for achieving this improvement,
  - d) together with a review date and any support available (where applicable) and
  - e) his or her right of appeal.

- 5.2. A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct.

#### Stage 2 - Written Warning

- 5.3. If the offence is a serious one, or if further to previous formal disciplinary action, a WRITTEN WARNING will be given to the employee by the Line Manager.
- 5.4. This will give details of the complaint, the improvement required and the timescale. It

will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

### Stage 3 - Final Written Warning

- 5.5. If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal.
- 5.6. A copy of this final written warning will be kept by the Line Manager (or in the case of the Clerk being disciplined by the Chair of the Hearing Panel) but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

### Stage 4 - Dismissal or other sanctions

- 5.7. If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Society reasonably believes Gross Misconduct has occurred, DISMISSAL may result.
- 5.8. Only the appropriately convened hearing panel can take the decision to dismiss an employee.
- 5.9. The employee will be given a written statement of allegations against him/her, invited to a meeting and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e. without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority.
- 5.10. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right of appeal.
- 5.11. Very exceptionally, if an offence of Gross Misconduct is extremely serious an employee can be dismissed immediately without a meeting. In this situation a letter setting out reasons for dismissal would be sent to the employee offering the opportunity for an appeal hearing.

## 6. APPEALS

- 6.1. The Appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for Misconduct, Poor Performance or Gross Misconduct.
- 6.2. An employee who wishes to appeal against a disciplinary decision should inform the Chair/Mayor (or Chair of the relevant committee) within five working days, in writing and

giving reasons for the appeal. An Appeal may be raised if:

- a) The employee thinks the finding or penalty is unfair
- b) New evidence has come to light
- c) The employee thinks that the procedure was not applied properly

6.3. Where possible the Appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing.

6.4. At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

## 7. THE RIGHT TO BE ACCOMPANIED

7.1. At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary interview.

7.2. This right is enshrined in the 1999 Employment Relations Act. As this is an internal process there is no provision to have any external person accompany or represent an employee e.g. partner, parent, solicitor etc. present.

7.3. The companion can address the hearing, put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting, confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to or prevent the employee explaining their case.

## 8. HEARING PANELS

8.1. The town council will establish hearing panels to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

## 9. NOTE-TAKING

9.1. It is highly recommended that a note-taker be provided to every meeting/hearing which arises as a result of a disciplinary process as Employment Tribunals are particularly keen to view contemporaneous notes of events which have led to an employment dispute. Councils will need to give this requirement careful consideration in order to respect employee confidentiality.

## 10. GRIEVANCES RAISED DURING DISCIPLINARY PROCESSES

10.1. In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. It is recommended that in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but specialist advice should be sought if this arises.

## 11. CRIMINAL CHARGES OR CONVICTIONS

11.1. If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates or customers.

## 12. GETTING IT WRONG

12.1. Failure to follow the ACAS Code of Practice (available at [www.acas.org.uk](http://www.acas.org.uk)) can lead to an Employment Tribunal awarding an uplift of an award against the council of up to 25%.

12.2. Tribunals dealing with unfair dismissal claims are particularly interested in whether the employer followed a procedure and whether the employer acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate that procedure to staff and Members, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER:



**SANDOWN TOWN COUNCIL**

# Document Retention Policy

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER:

## DOCUMENT RETENTION POLICY

RECORD	ACTION	MINIMUM RETENTION PERIOD	REASON
Agendas	Preserve	Indefinite	Archive
Byelaws and orders	Preserve	Indefinite	Archive
Councillors Declarations of acceptance of Office	Preserve	Indefinite	Archive
Councillors Register of interest	Destroy	1 year after member leaves Council	
Routine correspondence	Destroy	One month	
Correspondence and papers on important local issues	Preserve	Indefinite	Archive
Draft Minutes	Destroy	Destroy when minutes approved	
Gifts and Hospitality Records	Preserve	Indefinite	Challenge
Health and Safety Records	Preserve	Indefinite	Challenge
Insurance policies	Preserve	Forty years	Challenge
Leases, licenses and agreements.	Preserve	Indefinite.	Archive
Minutes (signed) of the Council, Committees, sub committees and working groups.	Preserve	Indefinite	Archive
Personnel – recruitment records Employee records	Destroy Destroy	3 months after appointment for applicant feedback if requested  6 months after termination of contract	Limitation period
Quotations and tenders for works	Destroy	20 years	Statute of limitation
Property registers including plans for allotments, open spaces, gardens, amenity areas	Preserve	Indefinite.	Archive
Scales of fees and charges	Destroy	Five years	Management

<b>FINANCIAL</b>			
<b>RECORD</b>	<b>ACTION</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Audit returns to external auditor	Preserve	Indefinite	Archive
Bank Statements	Destroy	20 years	Audit and grant funding
Bank paying in book and cheque book stubs	Destroy	8 years	Audit and grant funding
Borrowing	Preserve	Indefinite	Audit management
Hiring records of properties	Destroy	7 years	VAT
Internal Audit Management	Preserve	Indefinite	Audit Management
Investments	Preserve	Indefinite	Audit Management
Members allowances register	Destroy	7 years	Tax limitation
Paid invoices	Destroy	7years	VAT / grant funding
Paid cheques	Destroy	7 years	Limitation period/ grant funding
Petty Cash records	Destroy	7 years	VAT
Precept requests	Destroy	Retain as long as of value	
Project management records	Preserve	Indefinite	Archive /Audit/ grant funding
Receipt books of all kinds	Destroy	7 years	VAT
Receipts and Payments records	Preserve	Indefinite	Archived
Salaries records	Destroy	7 years	Limitation period
Staff time sheets	Destroy	7 years	Audit
VAT records	Destroy	7 years	VAT

<b>OTHER INCLUDING PLANNING</b>			
<b>RECORD</b>	<b>ACTION</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
General historic information relating to Sandown	Preserve	Indefinite	Archive
Legal papers	Preserve	Indefinite	Archive
Planning documents relating to Sandown generally	Destroy	After comment made by Town Council	Available on IWC website
Planning documents relating to Sandown Council <ul style="list-style-type: none"> <li>• Town Plans</li> <li>• Design Statements</li> <li>• Policies</li> </ul>	Preserve	Indefinite	Archive

**This Policy was originally adopted at Sandown Town Council meeting held on 15<sup>th</sup> January 2018 and amended on 4 June 2018.**

# SANDOWN TOWN COUNCIL

## **POLICY FOR RETENTION OF DOCUMENTS**

- The table identifies when the retention period of records is due to expire and how immediate action will be taken to ensure the disposal of documents is undertaken in a proper and secure manner.
- When the information reaches the expiry date for retention, the Town Clerk will ensure that all copies of that information are permanently destroyed. If the information is held in more than one media the information must be removed from all the Councils record systems.
- The Town Council will endeavour to minimise the amount of paperwork both produced and received, notwithstanding this there will still be a certain amount of paperwork to process.
- To avoid confusion the method of destruction of all paper documents, with the exception of junk mail which will be returned to sender, is that it will be treated as confidential waste and will be shredded by a registered waste disposal operator and a certificate of destruction obtained.
- The method of destruction for all electronic data will be electronic erasing and in the case of CD or DVD the method of disposal will be by a registered waste disposal operator with a certificate of destruction obtained
- Electronic copies will be completely deleted from any memory source or other media

## **2. STORAGE OF DOCUMENTS.**

- Archived records will be stored at the Broadway Centre from 1<sup>st</sup> April 2108
- Minutes will be kept in the Clerk's office and all other retained documents will be stored in archive boxes in the Broadway Centre
- If records need to be kept indefinitely, the Town Clerk will consider the most effective way of storage taking into account any space restrictions.
- At the time of writing this policy, the form of media for storage of the majority of documents is electronic.
- The Town Clerk may consider all forms of media for storage to accommodate the needs of the Council provided reproduction from that media is legally acceptable.



**SANDOWN TOWN COUNCIL  
EQUALITY AND  
DIVERSITY POLICY**

REFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:



## EQUALITY AND DIVERSITY POLICY

### STATEMENT OF INTENT - Our Commitment to Equality and Diversity

Sandown Town Council is committed to providing and promoting equal opportunities, eliminating discrimination and encouraging diversity in the community.

Sandown Town Council will comply with current legislation with regard to diversity and equality. We believe that meeting the needs of our residents and staff can only be achieved through recognising the value of every individual. Our aim is to create an environment that respects the diversity of staff and service users and enables them to achieve their full potential, to contribute fully, and to derive maximum benefits and enjoyment from their involvement with the Town Council.

To this end the Town Council acknowledges and strives to embed in all its activities the following basic rights for all:

- To receive a professional and appropriate service
- To be treated with respect and dignity
- To be treated fairly with regard to all procedures, assessments and choices
- To receive encouragement to reach their full potential

These rights carry with them responsibilities, not just for Sandown Town Council as a corporate body, but also its staff, volunteers, service users and those who supply services on our behalf. We must all recognise and uphold these rights and act in accordance with them in dealings with others. Councillors and any employees have a personal responsibility for fostering a fully integrated community, at work, by adhering to the principles of equal opportunity and maintaining racial harmony in the provision of dedicated services to people on equitable terms

### Our statutory duty under the Equality Act 2010

As a public body leading and speaking on behalf of the community the Town Council must play its part in making society fairer by tackling discrimination and providing equality of opportunity for all. The Equality Act 2010 places a new Equality duty on the Town Council to work to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between persons who share a protected characteristic and persons who don't share it
- Foster good relations between persons who share a relevant protected characteristic and persons who don't share it

No individual will be unjustifiably discriminated against. This includes, but is not limited to, discrimination because of the following characteristics (known as protected characteristics under the Act)

- Age
- Disability
- Gender
- Marital status and civil partnerships
- Pregnancy and maternity
- Race
- Religion and beliefs
- Sexual orientation
- Ethnic origin
- Nationality

Sandown Town Council is aware that the above list is not exhaustive and that there are other forms of discrimination that should not be tolerated

We will engage with people to ensure the service is relevant and meets their needs.

We will empower people to recognise and counter discrimination, and be supportive in doing so.

No form of intimidation, bully or harassment will be tolerated.

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**This Policy was initially adopted at the meeting of the Town Council held on 15<sup>th</sup>  
January 2018**



# SANDOWN TOWN COUNCIL

## FINANCIAL REGULATIONS

To be read in conjunction with Standing Orders as adopted by the Town Council

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## **1. GENERAL**

- 1.1 These Financial Regulations shall govern the conduct of the financial management of the Council and may only be amended or varied by resolution of the Council or by Government legislation and shall be read in conjunction with Standing Orders adopted by the Council
- 1.2 The Council shall appoint a person to act as the Councils Responsible Financial Officer (R.F.O.) to work in conjunction with and under the direction of the Town Clerk. The Town Clerk may, if desired also be the R.F.O.
- 1.3 The RFO will be responsible for the proper administration of the Town Councils financial affairs and will be responsible for the production of financial management information as required by the Town Clerk and Council.

## **2. ANNUAL ESTIMATES/PRECEPT**

- 2.1 Each committee shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of November.
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared by the RFO in the form of a draft budget in consultation of the Town Clerk. This draft will be made available to all members before being considered by the Council.
- 2.3 The Council shall set the budget and not later than the end of February shall fix the precept for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget which shall form the basis of financial control for the ensuing year.

## **3. RISK MANAGEMENT ASSESSMENT**

- 3.1 The RFO will produce a Risk Management Assessment document each year for consideration by the Council as part of Internal Control.
- 3.2 Once agreed, the Risk Management Assessment must be formally approved IN February to stand alongside the full year budget.
- 3.3 The RFO or Town Clerk will highlight at the earliest opportunity, where there are indications that a risk referred to within the Assessment is becoming active. The Council will consider the matter and recommend any necessary action.

## **4. BUDGETARY CONTROL**

- 4.1 Expenditure should always be in accordance with the annual estimated budget and precept levied.

- 4.2 The RFO will advise the Council of any planned expenditure that will exceed the budget. Should they still wish to proceed with the expenditure, the Council must indicate from where such overspend should be funded
- 4.3 All items of expenditure exceeding £2,000 incurred on behalf of the Town Council must be approved by specific resolution of the Town Council unless approved by the Council within the budget set for that financial year.
- 4.4 All Councillors shall have the right to question the RFO as to the content of any financial figures provided.
- 4.5 The RFO can vire amounts up to £500 in the budget with the Town Clerk's authorisation but will report back any virements at the next meeting of the Council.

## **5. ACCOUNTING AND AUDIT**

- 5.1 All accounting procedures and financial records of the Town Council shall be determined by the Town Clerk, as required by the Accounts and Audit (England) Regulations, 1996 and 2011 and in accordance with the Audit Commission Act 1998 Sections 15 &16.
- 5.2 The RFO is responsible for ensuring the annual accounts of the Town Council are completed as soon as practicable after the end of the financial year and will submit a copy to each member before the end of May. The RFO will also report thereon to the meeting of the Town Council.
- 5.3 The Town Council will employ a competent internal auditor independent of the operations of the Council. The internal auditor shall be free from any conflict of interest and have no involvement in the financial decision making of the Council. The internal auditor will undertake the role in accordance with regulation 6 of the Accounts and Audit Regulations 2003.
- 5.4 The internal auditor will complete their work no later than May in each year. Their written report will be provided to, and considered by, members at the first monthly meeting after its completion.
- 5.5 The Annual Statement of Accounts, required for external audit, must be prepared by the RFO for formal approval at the June meeting. T.
- 5.6 The Town Clerk will ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices.

## **6. STAFFING**

- 6.1 Council employees will be employed on the National Agreement of Pay and Conditions of Service of the National Joint Council (NJC) for Local Government Service.

## **7. BANKING ARRANGEMENT AND CHEQUES**

- 7.1 The Town Council's banking arrangements will be approved by the Town Council.

- 7.2 At least two accounts will be maintained: a current account and a deposit account.
- 7.3 Banking income see regulation 13
- 7.4 Cheques and withdrawal forms will be signed by the Town Clerk with two confirmatory signatures being obtained from Council Members.
- 7.5 The signatories shall each initial the counterfoil and invoice or payment voucher.
- 7.7 A list of cheque signatories will be maintained.
- 7.8 The bank debit card may be used up to a limit of £200 in any one transaction and reported as payments schedule at the monthly meeting. Any expenditure exceeding the limit shall require signed authority from the Mayor/Deputy Mayor.
- 7.9 Banking arrangements shall be reviewed annually.

#### **7.10 Internet Banking**

- 7.10.1 No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 7.10.2 Where internet banking arrangements are made with any bank, the Town Clerk shall be appointed as the Service Administrator.  

The Bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 7.10.3 Access to any internet banking accounts will be directly to the access page (which may be saved under “favourites”), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this regulation will be treated as a very serious matter under these regulations.
- 7.10.4 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two Councillors and the Town Clerk

#### **8. PAYMENT OF ACCOUNTS**

- 8.1 Apart from petty cash payments (*dealt with as no: 15*) all accounts will be paid by either cheque or internet banking or other order drawn on the Town Council's bankers.
- 8.2 Before certifying any invoice, the RFO will satisfy that the work, goods or services to which the invoice relates have been carried out, received, examined and approved.

- 8.3 All invoices under £1000 will be examined, verified and certified by RFO
- 8.4 All invoices over £1000 will be examined, verified and certified by the RFO and the Town Clerk.
- 8.5 The RFO, when satisfied as to the validity of the invoice, will take reasonable steps to settle invoices received within any time period agreed with the contractor, or supplier. The Council will normally wish to negotiate, and pay to, net monthly terms.
- 8.5 All certificated invoices will be kept with the accounts for auditing purposes.
- 8.6 If a payment is necessary to avoid a charge of interest under the Late Payment of Commercial Debts (Interest) Act 1008, and the due date for payment is before the next scheduled meeting of the council, where the RFO can certify that there is not dispute or other reason to delay payment, the RFO may take all necessary steps to settle such invoices provided that a list of such payments shall be submitted to the next meeting of the council for ratification.
- 8.7 The RFO will deal with the VAT element of each invoice ensuring the correct sum is recovered as appropriate from HM Revenues and Customs.
- 8.8 Payment for utility supplies (energy, rates, telephone, and water) may be made by variable Direct Debit provided that the instructions are signed by 2 Members of the Council and any payment is reported to the Council meeting. All direct debits shall be reviewed annually.
- 8.9 A schedule of payments shall be prepared by the RFO and include as an agenda item for presentation at each Council meeting for approval. The payments will be verified against invoices by two members who are bank signatories and the schedule signed. The schedule will be appended to and form part of the minutes of the meeting and maintained with the invoices for audit.

## **9 PAYMENT OF SALARIES AND WAGES**

- 9.1 The salaries of the Town Clerk/ RFO will be paid monthly, in accordance with the terms agreed in their contract with the Town Council. The payment of any other salaried employee, will be paid monthly as per contract. Payment of salary for each calendar month will normally be paid by the 25<sup>th</sup> of the month.
- 9.2 All hourly paid employees must complete a separate time sheet every week, detailing the hours worked and the tasks performed. Each time sheet must be authorised by the Town Clerk before payment can be effected.
- 9.3 The RFO will be responsible for the calculation of wages and salaries and the payment thereof. Payment will be by BACS wherever possible.
- 9.4 The RFO will ensure that all relevant taxes are deducted as appropriate and payment for same made to the relevant authorities on a timely basis.

## **10. CONTRACTS FOR WORK AND GOODS AND SERVICES**

**Procedures are laid down as follows:-**

Every contract shall comply with these financial regulations, and no exception shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts that relate to items **10.1 to 10.3**

- 10.1 For the supply of gas, electricity, water, sewage and telephone services.
- 10.2 For specialist services such as are provided by solicitors, accountants, surveyors and planning consultant.
- 10.3 For work to be executed or goods or materials to be supplied which consists of repairs to or parts of existing machinery or equipment or plant.
- 10.4 For work to be executed or goods or materials be supplied which constitute an extension of existing contract by the Council.
- 10.5 For additional audit work of the external Auditor up to an estimate of £500.
- 10.6 For goods or materials proposed to be purchased which are priority articles and/or only sold at a fixed price.
- 10.7 The principle of best value will be embraced at all times when negotiating for any work, goods or services.
- 10.8 The Town Clerk, following consultation with the Town Mayor or appropriate Committee Chairman is empowered to purchase goods or services, or undertake emergency small works to the value of £2,000.
- 10.9 When applications are made to waive financial regulations relating to contract to enable a price to be negotiated without competition the reason shall be embodied in the recommendation to the Council.
- 10.10 For work of a value of £5,000 but less than £15,000, three written quotations shall be obtained and brought to a meeting of the Council for approval.
- 10.11 For work less than £5,000 three written estimates shall be obtained.
- 10.12 When contracts exceed EU thresholds EU procurement directives must be followed.
- 10.13 Any tender received after specified time shall remain unopened, save that such tender may be considered when the Council is satisfied that there is evidence of posting in time for delivery by the normal course of postal delivery and the other tenders have not been opened
- 10.14 All tenders received in respect of any particular contract shall be opened at one time by the Town Clerk in the presence of at least two members.
- 10.15 The Town Clerk will keep on file:
  - 10.15.1 A copy of all advertisements for expressions of interest in a contract

10.15.2 A record of the number of expressions of interest received should be kept together with a list of those selected for further discussions.

10.15.3 The criteria used in the selection process should be recorded and the candidate's scores should be kept on file.

10.16 All contracts entered into by the Town Council will be passed by resolution made by the Town Council.

10.17 The Town Clerk will maintain a Register with details of companies tendering for contracts, tenders received and details of tender opening and evaluation and the Town Councils decision.

10.18 Whilst best value principles must always be adopted when deciding upon a contract, the Town Council will not be bound to select the lowest, or any tender.

10.19 In accordance with the Transparency Code Compliance, details of orders, commissioned activities, contracts and any legally enforceable agreements of a value that exceeds £5000 and invitations to tender for contracts and services of a value that exceeds £5000 will be made available on the Town Council website.

## **11. LOANS AND INVESTMENTS**

11.1 All loans and investments will be negotiated by the RFO in the name of the Town Council. Changes must be reported to the Town Council at the earliest opportunity.

11.2 All certificates, statements, and other documents relating to banking matters and investments will be retained in the custody of the Town Clerk.

11.3 The Council shall consider the need for an investment policy, which shall be in accordance with relevant regulations, proper practices and guidance. Any policy shall be reviewed annually.

11.5 All investments and borrowings shall be affected in the name of the Council after obtaining any necessary borrowing approval. Any application for borrowing shall be approved by the Council as to terms and purpose.

## **12. TOWN GRANTS**

12.1 Any organisation or club applying for a Town Council Grant must complete a Grant Application Form to be submitted by a specified deadline.

12.2 Grant applications will be considered by the Council within the approved budget allocated by the Council.

12.3 Grant applicants may be invited to speak for up to three minutes and answer members' questions at the meeting which considers their application.

12.4 In accordance with the Transparency Code compliance all grants over £500 will be listed on the Town Council website.

### **13. INCOME**

13.1 The collection of any sums due to the Town Council will be the responsibility of the RFO. Any sums found to be irrecoverable and any bad debts shall be reported to the Council as to whether the debts shall be written off.

13.2 All sums due to the Town Council will be banked as soon as possible but must be banked within five working days of receipt ( Insurance Company policy may demand more frequent banking)

13.3 All cash paid from hall hire will be recorded on the date of receipt and kept safe until banked as 13.2 or if the total sum exceeds £200.

13.4 The RFO shall ensure prompt completion of VAT returns in accordance with the requirements of HM Revenue and Customs. Any refund claim due to the Council shall be made at least annually coinciding with the year end.

13.5 No personal cheques shall not be cashed out of money held on behalf of the Council.

### **14. INSURANCE**

14.1 The RFO will deal with all insurance matters and negotiate all claims on the Town Councils insurers.

14.2 The RFO and Town Clerk will ensure the Town Councils property; effects and risks are covered by policy and annually review the situation.

14.3 The Town Clerk or RFO will advise the Town Council at the earliest opportunity in the event of any known loss liability or other situation, which may lead to a claim

14.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

14.5 As a requirement of the insurance sector, an insurance inventory of the Town Council's assets will identify both purchase and the replacement values of items.

### **15. PETTY CASH**

15.1 Reimbursement of petty cash will be by cheque from the bank account and not from any income stream.

15.2 The RFO is responsible for petty cash and floats which will be independently checked on an intermittent basis by the Town Clerk or as part of the Council Internal Review.

15.3 A £30 limit to the value of any single petty cash transaction is allowed.

15.4 The float levels are set at £100

## **16. ASSETS, PROPERTIES AND ESTATES**

16.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council.

The Asset Register should include the following, whether purchased, gifted or otherwise acquired, together with their holding location:

- All land and buildings held freehold or on long term lease in the name of the Council,
- community assets,
- vehicles, plant and machinery,
- assets considered to be portable, attractive or of community significance,
- other assets estimated or known to have a minimum purchase or resale value of £100
- long term investments, shares and loans made by the Council

16.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

16.3 The Town Clerk shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date.

16.4 The continued existence of tangible assets shown in the Register shall be verified at least annually, in the month of February in conjunction with a health and safety inspection of external assets.

16.5 For insurance purposes see 14.5

## **17. HIRE OF TOWN COUNCIL FACILITIES**

17.1 All aspects of hire are the responsibility of the Town Clerk in accordance with policy.

17.2 The Town Council will review fees and charges of hire annually.

**18     DATA PROTECTION ACT**

18.1 The Town Clerk/ RFO will ensure all aspects of the Data Protection Act are adhered to.

**19.    FINANCIAL SCHEDULE**

19     The attached schedule is appended to and forms part of these Financial Regulations.

**20     REVIEW OF REGULATIONS**

20.1 These financial regulations shall be reviewed at ever two years or more often if appropriate due to changes in legislation.

20.2 Any update or amendment shall be reviewed by the Council for approval.

REAFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:



## GENERAL DATA PROTECTION REGULATION POLICY

### Purpose of the policy and background to the General Data Protection Regulation

This policy explains to Councilors', staff and the public about GDPR. Personal data must be processed lawfully, fairly and transparently; collected for specified, explicit and legitimate purposes; be adequate, relevant and limited to what is necessary for processing; be accurate and kept up to date; be kept only for as long as is necessary for processing and be processed in a manner that ensures its security. This policy updates any previous data protection policy and procedures to include the additional requirements of GDPR which apply in the UK from May 2018. The Government have confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations.

### Identifying the roles and minimising risk

GDPR requires that everyone within the council must understand the implications of GDPR and that roles and duties must be assigned. The Council is the data controller and the Town Clerk /RFO is the Data Protection Officer (DPO). It is the DPO's duty to undertake an information audit and to manage the information collected by the council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information.

GDPR requires continued care by everyone within the council, Councilors' and staff, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected. Therefore, the handling of information is seen as medium risk to the council (both financial and reputation) and one which must be included in the Risk Management Policy of the council. Such risk can be minimised by undertaking an information audit, issuing privacy statements, maintaining privacy impact assessments (an audit of potential data protection risks with new projects), minimising who holds data protected information and the council undertaking training in data protection awareness.

### Data breaches

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Town Council. Investigations must be undertaken within one month of the report of a breach. Procedures are in place to detect report and investigate a personal data breach. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result

in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly.

It is unacceptable for non-authorized users to access IT using employees' log-in passwords or to use equipment while logged on. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Council, for example the discussion of internal council matters on social media sites could result in reputational damage for the Council and to individuals.

## **Privacy Notices (Appendix A)**

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what a council does with their personal information. A privacy notice will contain the name and contact details of the data controller and Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the Information Audit kept by the council. The council will adopt a privacy notice to use, although some changes could be needed depending on the situation, for example where children are involved. All privacy notices must be verifiable.

## **Information Audit**

The DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

## **Individuals' Rights**

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling.

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometimes known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was

originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Council to delete information.

If a request is considered to be manifestly unfounded then the request could be refused or a charge may apply. The charge will be as detailed in the Council's Freedom of Information Publication Scheme. The Town Council will be informed of such requests.

## **Children**

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

## **Summary**

The main actions arising from this policy are:

- The Council must be registered with the ICO.
- A copy of this policy will be available on the Council's website. The policy will be considered as a core policy for the Council.
- An information audit will be conducted and reviewed at least annually or when projects and services change.
- Privacy notices must be issued.
- Data Protection will be included on the Council's Risk Management Policy.
- The Town Council will manage the process.

This policy document is written with current information and advice. It will be reviewed at least annually or when further advice is issued by the ICO.

All employees, volunteers and Councilors' are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Council.

Adopted: 4<sup>th</sup> June 2018

Minute no: 1658/18

REAFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:





## SANDOWN TOWN COUNCIL

### GENERAL PRIVACY NOTICE

#### **Your personal data – what is it?**

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

#### **Who are we?**

This Privacy Notice is provided to you by Sandown Town Council which is the data controller for your data.

#### **Other data controllers the council may work with:**

- Local authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

#### **The council will process some or all of the following personal data where necessary to perform its tasks:**

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by the council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications,
- Where you pay for activities such as use of the council’s facilities, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers,

- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

### **How we use sensitive personal data**

We may process sensitive personal data including, as appropriate:

- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- In order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances: in limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest.

Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Do we need your consent to process your sensitive personal data?**

In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

### **The council will comply with data protection law. This says that the personal data we hold about you must be:**

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### **We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email or telephone

- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

### **What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy. Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

### **Sharing your personal data**

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;

- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **Your rights and your personal data**

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

#### **1) The right to access personal data we hold on you**

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

#### **2) The right to correct and update the personal data we hold on you**

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

#### **3) The right to have your personal data erased**

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

#### **4) The right to object to processing of your personal data or to restrict it to certain purposes only**

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

#### **5) The right to data portability**

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

**6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

**7) The right to lodge a complaint with the Information Commissioner’s Office.**

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

**8) Transfer of Data Abroad**

- Any personal data transferred to countries or territories outside the European Economic Area (“EEA”) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

**Further processing**

- If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

**Changes to this notice**

- We will keep this Privacy Notice under regular review and we will place any updates on this web page: <http://www.sandowntowncouncil.gov.uk>

**Contact Details**

- Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Protection Officer  
 Clerk to Sandown Town Council  
[townclerk@sandowntowncouncil.gov.uk](mailto:townclerk@sandowntowncouncil.gov.uk)

I have read the above Privacy Notice and give permission for Sandown Town Council to retain my personal information in relation to the contract held between us.

Signed.....

Date .....





## GRIEVANCE PROCEDURE

### 1. PURPOSE AND SCOPE

It is the policy of the council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice 2009 as set out in the Employment Act 2008.

### 2. PRINCIPLES

- a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.
- b) Grievances will be dealt with promptly and consistently
- c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.
- d) An employee will have the right to appeal against any outcome of a Grievance Hearing.
- e) At no time will an employee be penalised or victimised for having raised a Grievance against the council

### 3. PROCEDURE

- 3.1 Wherever possible, any grievance should be raised informally with the Employee's line manager, or if this is inappropriate with the next level of management. In the case of the Clerk to the council raising a grievance this should be directed to the Chair or Mayor of the council unless the complaint is about the Chair or Mayor in which case another Member can be identified to handle the Clerk's concerns. The recipient of the grievance from a clerk should share the grievance with the relevant committee established to handle employment matters and the issues should be treated with discretion and confidentiality at all times.
- 3.2 **Written Statement:** If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management.
- 3.3 **Meeting or Hearing:** Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the line manager or Chair of the appropriately convened committee or hearing panel will arrange a meeting with the employee.

The Hearing Manager will endeavor to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions. The manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place.

Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the Panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Panel may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

3.4 **Response:** The Hearing Manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience. There may be some value in exploring Mediation as a way in which to resolve differences between two parties.

3.5 **Appeal:** If the employee is dissatisfied with the decision of the line manager on his/her complaint, s/he may appeal against the decision to the Mayor with written notice within five working days of the decision.

An Appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

On receipt of the appeal the council's Appeals Panel shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as s/he shall consider appropriate without unreasonable delay. The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. Where the council's Chair or Mayor has chaired the initial grievance meeting the Vice Chair or Chair of another committee will hear the appeal as a hearing manager the decision of the Appeal Hearing will be final. The council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

3.6 **Bullying or Harassment:** If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the employee's Line Manager, or Mayor or Deputy if more appropriate, with an indication of the required action. The complaint will then be investigated and any action taken and any resolution achieved will be reported back. If the solution is not satisfactory to the complainant, the matter will be discussed further and, if appropriate, an alternative solution agreed.

The decision at this stage will generally conclude the enquiry. If a further appeal or review is available the employee will be notified. As a result of an investigation into a claim of harassment disciplinary action may be instigated against any alleged perpetrators of the action or in the case of alleged perpetrators being elected Members a Code of Conduct complaint lodged by the council through the Monitoring Officer of the Isle of Wight Council. Refer to the Dignity at Work Policy for further details

3.7 **Right to be Accompanied:** At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

3.8 **Hearing Panels:** The Council will establish hearing panels to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

3.9 **Confidentiality:** So far as is reasonably practicable, the council will keep any grievance or complaint of harassment confidential between the manager or Member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

3.10 **Record Keeping:** In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 1998.

3.11 **Grievances** raised during Disciplinary Process

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. In line with ACAS advice, disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but specialist advice should be sought if this arises.

#### **4. GETTING IT WRONG**

Following the repeal of the 2004 Dispute Resolution regulations employees no longer HAVE to raise a grievance before going to an employment tribunal. However, establishing a mechanism for differences and disputes to be resolved internally can often allow the employment relationship to continue. Failure to follow the ACAS Code of Practice (available at [www.acas.org.uk](http://www.acas.org.uk)) when dealing with grievances can lead to an Employment Tribunal awarding an uplift of an award against the council of up to 25%.

Tribunals dealing with constructive dismissal and discrimination claims are particularly interested in whether the employer followed a procedure when dealing with an internal dispute and whether the employer acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate that procedure to staff and Members, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.

APPROVAL DATE:  
REVIEW DATE:  
MINUTE NUMBER:

# SANDOWN TOWN COUNCIL

## HEALTH & SAFETY POLICY

### 1 POLICY STATEMENT

Sandown Town Council is committed to maintaining safe and healthy working conditions and to preventing accidents and instances of work-related ill health by ensuring that all activities carried out on council premises or undertaken by its employees are managed in such a manner so as to avoid, reduce or control all foreseeable risks to the health and safety of anyone who may be affected by such activities as far as is reasonably practicable.

This policy will be reviewed and revised, as necessary, every year.

### 2 EMPLOYER'S RESPONSIBILITIES

In furtherance of the above policy statement and the need to ensure compliance with the following:

- a) Health and Safety at Work etc Act 1974
- b) Management of Health and Safety at Work Regulations 1999
- c) Workplace (Health, Safety and Welfare) Regulations 1992
- d) Health and Safety (Display Screen Equipment) Regulations 1992
- e) Provision and Use of Work Equipment Regulations 1998
- f) Manual Handling Operations Regulations 1992
- g) Health and Safety (First Aid) Regulations 1981(SI 1981/917)
- h) The Health and Safety Information for Employees Regulations 1989
- i) Employers' Liability (Compulsory Insurance) Act 1969
- j) Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
- k) Electricity at Work Regulations 1989
- l) Control of Substances Hazardous to Health Regulations 2002
- m) Gas Safety (Installation and Use) Regulations 1994

The Town Council will:

- provide and maintain safe plant and equipment and safe systems of work;
- ensure materials and substances used are properly stored, handled, used and transported;
- assess the risks to the health and safety of anyone who may be affected by work activities;
- consult with employees on matters affecting their health and safety and ensure that all employees are competent to do their tasks;
- provide information, training, instruction and supervision;
- provide a safe place of employment;
- provide a healthy working environment;
- provide a written Health and Safety Policy;
- look after the health and safety of other people, in addition to employees;
- talk to safety representatives.

### 3 EMPLOYEES' RESPONSIBILITIES

Employees have a legal responsibility to take care of the health and safety of themselves and others who may be affected by their actions or omissions and to co-operate with supervisors and managers on health and safety issues. Employees should not interfere with anything provided to safeguard their health and safety and should report all health and safety concerns to the appropriate person as set out in this policy.

## **4 ROLES**

4.1 The Town Council has overall responsibility for health and safety in the workplace and for ensuring that adequate resources are made available to allow the implementation of this policy.

4.2 The Clerk has day-to-day responsibility for ensuring that this policy is implemented.

## **5 RISK ASSESSMENTS**

5.1 Every work activity to be undertaken will be subjected to a health and safety risk assessment prior to the activity starting, in consultation with those who will undertake the work.

5.2 A separate fire risk assessment will also be undertaken by the Clerk who will take reasonable steps to reduce the risk from fire and ensure occupants can safely escape the premises if a fire does occur.

5.3 A written record of the assessments will be provided identifying any significant hazards and describing the preventative and protective measures required to avoid, eliminate, reduce or control the risks identified to a tolerable level. The control measures must be implemented and adequately maintained and records kept of any monitoring or maintenance of equipment undertaken.

5.4 Action required removing or control health and safety risks will be approved by the Council who will be responsible for ensuring the action required is implemented. The Council will check that the implemented actions have removed or reduced the risks.

5.5 The Council will also check that the implemented actions have removed or reduced the risks. Assessments will be reviewed every year or when significant changes in the work activity occur, whichever is soonest by Town Council.

## **6 SAFE PLANT AND EQUIPMENT**

6.1 When selecting and purchasing items of plant and equipment it is essential to ensure, as far as possible, that such items are safe and are appropriate for the task and location for which they are intended to be used.

6.2 The Council is responsible for ensuring that any new plant and equipment meets health and safety standards before it is purchased.

6.3 Account must be taken of the persons required to use the items which must be selected to minimise any possible adverse effects to the user and other persons who may be affected.

6.4 It is also essential to ensure that all plant and equipment is kept safe through regular maintenance and inspection and that all employees are trained to use equipment safely and are aware of instructions provided by manufacturers and suppliers.

6.5 Any problems found with plant and equipment should be reported to the Clerk.

6.6 All employees are responsible for identifying all plant and equipment needing maintenance.

6.7 The Clerk is responsible for ensuring effective maintenance procedures are installed and the Council is responsible for ensuring that all identified maintenance is implemented.

## **7 HAZARDOUS SUBSTANCES**

7.1 Using chemicals or other hazardous substances at work can put people's health at risk. The law requires employers to control exposure to hazardous substances to prevent ill health.

7.2 The main law on hazardous substances at work is the Control of Substances Hazardous to Health Regulations 2002 ("COSHH"). It defines hazardous substances to include most hazardous chemicals (including waste and by-products), biological agents and any dust.

7.3 Harmful substances which are covered by COSHH include the vast majority of chemicals, many of which have a warning label. Examples may include bleach and other cleaning agents with a warning label, wood dust, glues and adhesives, solvents, paints, pesticides and chemical fertiliser, medicines and biological agents, oils and fuels, printer/photocopier toner, inks, and paper dust. This list is not exhaustive.

7.4 The Clerk is responsible for identifying all substances that need a COSHH assessment and for undertaking COSHH assessments and ensuring all relevant employees are informed.

7.5 The Council is responsible for ensuring that all actions identified in the assessments are implemented.

7.6 The Admin Assistant is responsible for checking that new substances can be used safely before they are purchased and report to the Clerk.

## **8 TRAINING**

8.1 All employees must receive health and safety induction training as soon as possible after starting employment and job specific health and safety training where work activities require it.

8.2 A training needs analysis should be conducted for each job and if this highlights a training requirement then appropriate training must be provided within a reasonable time scale.

8.3 Records of all training undertaken by employees will be kept by the Clerk.

## **9 REPORTING ACCIDENTS, INVESTIGATING AND MONITORING**

9.1 All employees are required to report all accidents and work-related causes of sickness absence to the Clerk and where the employee is the Clerk, to the Mayor or Deputy Mayor of the Council.

9.2 The purpose of reporting such incidents and any subsequent investigation is to identify the underlying cause(s) and any contributing factors and to prevent a recurrence. The Clerk is responsible for investigating accidents.

9.3 The Clerk is responsible for investigating work-related causes of sickness absence. The Council is responsible for acting on investigation.

## **10 ACCIDENTS AND FIRST AID**

10.1 Employers are required by law to have first aid provisions in the workplace.

10.2 Employers are also required to report certain work-related accidents, dangerous occurrences and diseases. The appointed person is the Town Clerk. The first aid box is kept in the kitchen.

10.3 All accidents and instances of work-related ill health will be recorded in the accident book. The Clerk is responsible for reporting accidents, diseases and dangerous occurrences to the enforcing authority.

## **11 EMERGENCY PROCEDURES**

11.1 All employees should read the Fire Action Notices provided in all areas of the workplace which give details of the company's fire and emergency procedures.

11.2 Escape routes will be checked every month by the Clerk. Fire extinguishers will be maintained and checked every year by the Council's appointed contractor.

## **12 CONSULTATION WITH EMPLOYEES**

Employees will be consulted on matters affecting their health and safety at regular intervals.

## **13 INFORMATION AND SUPERVISION**

13.1 Employers must display the health and safety law poster or alternatively, provide employees with individual copies of the same information in a leaflet. The Health and Safety Law poster will be displayed in the foyer.

13.2 Employers have an added duty to young people to provide information, instruction, training and supervision. Supervision given to young people must be greatly increased to ensure that they are fully supervised at all times.

## **14. APPRENTICE/YOUNG EMPLOYEES**

14.1 When employing a young person as an apprentice, an employer has a responsibility to provide the same protection for their health, safety and welfare as for other employees.

14.2 If an employer currently employs a young person, or has done so in the last few years, their existing risk management arrangements should be sufficient if a new young person is of a broadly similar level of maturity and understanding, and has no particular needs.

14.3 If employing a young person for the first time, or employing one with particular needs, an employer will need to review their risk assessment, taking into account the specific factors for young people before they start their apprenticeship. A risk assessment will be carried out as part of the induction process to ascertain if there are any specific factors or additional needs to cater for.

## **15 DISPLAY SCREEN EQUIPMENT**

The Health and Safety (Display Screen Equipment) Regulations 1992 specify minimum requirements for work with display screen equipment (DSE). In addition, the Management of Health and Safety Regulations 1999, The Provisions and Use of Work Equipment Regulations 1998, the Workplace (Health, Safety and Welfare) Regulations 1992 also stipulate general duties which apply. In order to comply with the many statutory obligations and associated codes of practice and guidance below should be adhered to.

### **15. 1. ARRANGEMENTS FOR SECURING THE HEALTH & SAFETY OF DSE USERS**

The Council will endeavour, so far as is reasonably practicable, to secure the health and safety of Display Screen Equipment (DSE) users. To achieve this, the following measures will be adopted:

(a) The Clerk will be responsible for identifying users in accordance with the DSE guidance and for ensuring that an assessment of the workstations within their area of responsibility is undertaken, taking into account the display screen equipment, the furniture, the working environment and the operator/user. This assessment must be reviewed if significant changes are made to the workstation or work tasks.

- (b) The Clerk will complete the assessment forms and will be responsible for maintaining up to date workstation records, for issuing individual user checklists and for the secure storage and retrieval of all DSE documents.
- (c) Where, as a result of the assessment risks are identified, necessary measures must be taken by the Council to remedy the problems identified.
- (d) Work activities must be planned so as to incorporate changes of task within the working day in order to prevent excessive periods of display screen equipment use and to provide rest periods before the onset of fatigue where natural breaks do not occur.
- (e) Software will be reviewed and selected to ensure that it is suitable for the task and not unnecessarily complicated.
- (f) Arrangements must be made at the request of an employee, who has been identified as a DSE user for an appropriate eye/eyesight test. If corrective appliances are required for DSE work the Council will meet the basic cost.
- (g) In accordance with the opticians report, to provide re-examination within the time scale subject to the refusal of the display screen equipment user, in writing, not to do so.
- (h) To provide employees, temporary workers and other DSE users with details of Work station assessments and measures to be taken to avoid risk.
- (i) In the case of adverse health or medical conditions being identified, the Clerk will report details to the Council in order that health surveillance measures can be affected. Users should be redeployed until such time as medical practitioner grants permission for them to continue using display screen equipment or it becomes necessary to review the case.

## **15.2 PROVIDING EYE AND EYESIGHT TESTING AND ANY NECESSARY CORRECTION FOR DSE WORK**

Those members of staff who have been identified as DSE “users” are entitled on request, to an eye and eyesight test which the council must pay. If the test shows that they need special corrective appliances for DSE work the council will pay for the cost of the lenses and a basic frame (i.e. of a type and quality adequate for its function) to the maximum of £50.00. If after subsequent eye tests a change in lens is required, where practical, users should utilise existing frames. If a user chooses spectacles to correct eye or vision defects for purposes which include display screen work but go wider than that, the Council will only contribute to the cost attributable to the display screen work involved. Examples of this are more expensive frames or optional lenses and coatings.

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REAFFIRMED DATE:  
 REVIEW DATE:  
 MINUTE NUMBER:





## SANDOWN TOWN COUNCIL

# LONE WORKER POLICY

### 1. Statement of Policy

Sandown Town Council will take every practicable step to protect the health, safety and welfare of its Employees and Councillors whenever they are required by the nature of their duties to work alone and without direct support and supervision.

The Council's employees are expected to work alone and for some staff lone working is the norm. Whilst working alone is not in itself unsafe there may be circumstances where working alone can increase risks. The Council recognises that there may be increased risks to staff who are required to work alone. The implementation of this policy should help to reduce these risks.

The policy applies to employees and Councillors and for the purposes of this policy lone working is defined as any activity or function performed on behalf of Sandown Town Council without any close supervision or with other employees.

### 2. Organisation and Arrangements

#### **Sandown Town Council is responsible for:**

- The lone working arrangements of employees;
- Determining the contents of this policy;
- Ensuring that there are arrangements for identifying, evaluating and managing risk associated with loneworking;
- Ensuring compliance with the policy and providing resources for putting the policy into practice;
- Making sure that employees and councillors are aware of this policy;
- Making sure that appropriate support is given to employees and Councillors involved in any incident.

#### **The Clerk to the Council is responsible for:**

- Making sure that risk assessments are carried out and reviewed regularly;
- Reporting annually to the Full Council on any incidents and actions taken in response.

#### **All Employees and Councillors engaged in lone working are responsible for:-**

- Taking reasonable care of themselves and other people who may be affected by their actions;
- Follow all rules and regulations laid down by the Town Council;
- Report all incidents that may affect the health and safety of themselves or others;
- Taking part in training designed to meet the requirements of this policy;
- Report any dangers they identify or any concerns they might have;

- Record full details of their lone working time;
- Recognise and assess potentially high risk activities before carrying out any work activity and put in place appropriate arrangements to carry out the identified task safely to mitigate risk associated with working alone;
- In addition, and if appropriate, complete a form detailing visits from aggressive or potentially violent people. Any such forms or reports should be provided to the Clerk for appropriate action to be taken.

### **3. Lone Worker Guidance**

- Lone workers must carry their mobile telephone.
- Lone workers must carry any personal alarm supplied by the Town Council.
- Employees and Councillors must take reasonable care not to put themselves at undue risk. If they feel that they would be at particular risk unless additional precautions are taken then they should discuss this with the Clerk in the first instance.
- Plan the visit – let someone know time of leaving, where going and estimated time of return.
- Try to avoid confrontation. If a situation does become heated try to stay calm. If violence is threatened it is best to withdraw.  
In the event that an officer suspects that a violent attack is imminent it may be possible to use a mobile telephone to summon assistance (e.g. 999 for the police). Heated arguments can suddenly escalate to the point at which violence is used and in practice there may be little time to call for help.
- Officers who find themselves in a violent situation may activate their personal alarms. It may be that activation of an alarm is enough to bring an attacker to their senses and persuade them to break off the attack.
- Note, personal attack alarms are not weapons and should be used only to startle an attacker and alert passers-by. Aggressive use of such alarms may actually inflame a situation.
- Personal attack alarms are not toys! They can emit a piercing noise and could damage hearing if held close to someone's ear. Do not use them for practical jokes
- Ensure that you are properly trained and have the skills and knowledge to do your job safely and without risks to health. If you feel that you need extra training then discuss this with the Clerk.

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER:



# SANDOWN TOWN COUNCIL

## Member's Code of Conduct

Updated 2017

REAFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:

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## **Introduction**

Pursuant to section 27 of the Localism Act 2011, Sandown Town Council ('the Council') has adopted this Code of Conduct to promote and maintain the high standards of behaviour by its Members and co-opted Members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

## **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a Member of the Council, but who is either a Member of any committee or sub-committee of the Council, or a Members of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees or sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.

## **Member Obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in such a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

### *Registration of Interests*

6. Within 28 days of this Code being adopted by the Council, or the Member's election or the co-opted Member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a Member or the re-appointment of a co-opted Member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A Member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A Member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the Member or a person connected with the Member to be subject to violence or intimidation.

### *Declaration of Interests*

10. Where a matter arises at a meeting which relates to an interest in Appendix A the Member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if not already entered on the Member's register of interests or if he/she has not notified it to the Monitoring Officer.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the Member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the Member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the Member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
13. A Member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the Member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the Member shall declare the interest but not the nature of the interest.

### *Dispensations*

15. On a written request made to the Council's Proper Officer, the Council may grant a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of Members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the Member to take part or it is otherwise appropriate to grant a dispensation.

MC February 2017



**Appendix A** - Interests described in the table below

<b>Subject</b>	<b>Description</b>
Employment, office trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council – a ) Under which goods or services are to be provided or works are to be executed; and b ) which has not been fully discharge
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) – a ) the landlord is the Council; and b ) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners in securities* of a body where – a ) that body (to the member's knowledge) has a place of business or land in the area of the Council; and b ) either - i ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii ) if the share capital of that body is of more than one class, the total nominal value of the shares of one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*director' includes a member of the committee of management of an industrial and provident society.

\*securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Appendix B

An interest which relates to or is likely to affect:

1. any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
2. any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
3. any gifts or hospitality worth more than an estimated value of £50.00 which the member has received by virtue of his or her office.

SANDOWN TOWN COUNCIL

# Public Complaining Policy

REAFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:



## SANDOWN TOWN COUNCIL

### **Complaints Procedure**

Sandown Town Council will do their utmost to settle complaints and satisfy any complaint made.

### **Process**

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the Clerk.
2. If the complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Mayor.
3. On receipt of a written complaint the Clerk or Mayor, shall (except where the complaint is about his or her own actions) try to settle the complaint directly with. If the complaint is about the behaviour of the Clerk or a Councillor they have to be notified first and given an opportunity for comment on the manner in which it is intended to attempt to settle the complaint.
4. If a written complaint is received about the Clerk or Mayor they have to refer the matter to the Council.
5. If a written complaint is dealt with to the satisfaction of the complainant it will be reported at the next council meeting.
6. The clerk or Mayor shall bring any written complaint which has not been settled to the next meeting of the Council and The Clerk shall notify the complainant on which date the complaint will be considered.
7. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the council meeting in public.
8. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
9. A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practise arise on which advice is necessary. The

complaint shall be dealt with at the next meeting after the advice has been received.

**Town Clerk:** Tina Bailey

**Address:** Sandown Town Council, Onward Business Hub, College Close,  
Sandown  
and from 1/04/2018 The Broadway Centre, Sandown, Isle of Wight.

**Tel:** (01983) 408287

**Email:** [townclerk@sandowntowncouncil.gov.uk](mailto:townclerk@sandowntowncouncil.gov.uk)



# SANDOWN TOWN COUNCIL

## Protocol and Guidance for Recording, Photography and use of Social Media at Sandown Town Council Meetings

### Guidance

This guidance applies to any council or committee meetings that are open to the public.

The Council allows any member of the public or press to report on all public meetings subject to limited exceptions outlined below. The term reporting includes the taking of photographs, filming, audio-recording, tweeting, blogging or generally reporting on proceedings.

Those wishing to undertake any reporting of meetings are asked to advise the Clerk in advance of the meeting of their intention to do so, as explained below, in order to allow necessary arrangement to be made if required.

The chair of the meeting shall advise members of the public and members that the meeting may be recorded if notice has been received that reporting is happening.

The purpose of this protocol is to provide guidance, particularly, for members of the press or public on reporting of any Town Council meeting which is held in public.

Although there is a legal right to allow reporting of Council meetings the proceedings of that meeting must not be disrupted by the use of any equipment or the manner in which the reporting is undertaken. It is also important that reporting does not inhibit community involvement in the proceedings.

### Guidelines for Reporting

Any member of the public or of the media wishing to report a public meeting should ensure that:

1. Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chairman so as to minimise disruption to the proceedings
2. The use of flash photography, additional lighting, sound booms or other equipment that may, in the chairs opinion, be likely to be intrusive or in any way interfere with proceedings will only be allowed if agreed in advance with the Chairman.
3. If the Chairman feels that any photography, audio or visual recording is disrupting the meeting in any way then the operator of the equipment will be required to stop reporting.
4. If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to report the meeting cease and the operator of the equipment will be required to stop reporting and leave the meetings taking all reporting equipment with them.

5. They comply with any request made by the Chairman regarding respecting the public's right to privacy.

6. People seated in the public seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are not seated in a "public seating area".

7. Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

Notices advising the public that the public meeting may be reported on will be displayed in or directly outside the relevant meeting room and this will be noted on the agenda. The Chairman will also make an announcement that the meeting may be photographed, recorded or filmed.

### **What if I don't want to be recorded?**

If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Clerk in advance of the meeting. If you are concerned for your personal safety it may be possible to make alternative seating arrangements.

### **What is the procedure prior to the Meeting for those wishing to Record or Photograph a Meeting?**

Members of the public wishing to report on a public meeting should wherever possible contact the Clerk for the meeting concerned two working days before the meeting or advise the Clerk before the meeting starts.

The request should include the following information:

1. Which meeting this refers to;
2. The name, organisation (if applicable) and contact details of the person making the request;
3. What equipment it is intended will be used (e.g. camera/audio recorder/video camera, tri-pod etc);
4. What the photographs, or audio / visual recording will be used for and / or where the information is to be published.

### **What is the procedure for reporting during the meeting?**

All reporting equipment must be set up before the meeting starts to avoid disrupting the meeting.

If the Chairman feels the photography/ audio / visual recording is disrupting the proceedings the operator of the equipment will be required to stop reporting.

If the person continues reporting after having being requested to desist then the Chairman will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Anyone asked to leave a meeting because they have refused to comply with the Chairman's requests may be refused permission to report at future Council meetings that are open to the public.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed. All equipment shall be removed from the meeting room when members of the public and press are excluded.

If a meeting for which agreement is given to report is adjourned by the Chairman then any reporting should stop at the point at which the meeting is adjourned.

### **Social Media**

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting.

If the Chairman feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues the Chair will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

### **What is disruptive behavior?**

Essentially, this could be any action or activity which disrupts the proper conduct of meetings. Examples could include:

- moving to areas outside the areas designated for the public or press without the consent of the Chairman,
- excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
- intrusive lighting and use of flash photography; and
- Asking for people to repeat statements for the purposes of recording.

### **Can I leave recording equipment in a public meeting room and record without being present?**

There is no legal prohibition, however, under this guidance and council standing orders the committee may require any such recording to stop if at any stage the meeting became a private meeting and so someone is required to be present to stop the equipment. In addition the Council will not be responsible for the security of any equipment left unattended.

**Are there any limits to what I can say in a tweet or video or report I publish?**

The law of the land applies including the law of defamation and the law on public order offences. Freedom of speech within the law should be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.

**Will I be able to provide commentary during the meeting?**

Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting.

The new rules do not permit oral commentary during a meeting as this would be disruptive to the good order of the meeting.

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**Policy adopted at the meeting held on 15<sup>th</sup> January 2018**

REAFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:

# **Sandown Town Council**

## **Redundancy Policy**

Adopted 1<sup>st</sup> April 2019



## Manage staff redundancies

A redundancy plan will help you manage each stage of the redundancy process. It should show how you'll:

- avoid compulsory redundancies
- consult staff
- select staff for redundancy
- give staff notice
- work out redundancy pay
- support staff and plan for the future

You should work with staff representatives – for example trade unions – to develop your plan if it's a large or complex redundancy situation.

Having an agreed plan allows you to easily share information with all your staff and help them understand what's happening. It's particularly useful when you explain your proposed changes during the consultation phase.

You can avoid job losses by planning ahead and looking at other options.

Before making redundancies you should see if you can:

- offer voluntary redundancy or early retirement
- agree to flexible working
- temporarily reduce staff working hours
- ask staff to stop working for a short time
- retrain staff to do other jobs in your business
- let go of temporary or contract staff
- limit or stop overtime
- not hire any new staff

## 2. Offer voluntary redundancy or early retirement

Your offer needs to cover the whole workforce and it must always be the employee's choice to volunteer. Make sure you do not pressure anyone or single a person out. For example you could be accused of age discrimination if you only offer early retirement to your older workers.

You do not have to select an employee just because they volunteer. For example if your most experienced employee volunteers you can explain that you're not selecting them.

It's a good idea to make clear to staff early on that voluntary redundancy or early retirement is not automatically given.

You must have a fair way of selecting who does get voluntary redundancy or early retirement.

You can offer extra redundancy pay if you want to encourage staff to volunteer.

## **Agree to flexible working**

You can agree to update employment contracts to allow more flexible working.

This could include staff:

- working fewer hours
- homeworking
- job sharing
- working compressed hours

## **Ask staff to temporarily stop working or reduce hours**

If it's included in employment contracts you can ask staff to:

- stop working for a while (known as a 'temporary lay-off')
- work fewer hours (known as 'short-time' working)

It must be a temporary solution and not a permanent change to agreed working hours.

### **If it's not included in employment contracts**

You can ask to update an employee's contract to include these options. They do not have to accept.

See the Acas guide on [lay-offs and short-time working](#).

## **Move staff into other jobs**

You should try and move staff into other jobs within your organisation before you start the redundancy process.

### **Once you've made someone redundant**

If you're looking to fill another role that is suitable for the person you're making redundant, you should offer it to them instead of redundancy. The redundancy could be judged an 'unfair dismissal' if you do not.

If you do offer them another job it needs to be:

- in writing
- made before their contract ends
- a different job to the one they're doing – you'll need to explain how it's different

They should not have to apply for the job. The new job must start within 4 weeks of their previous job ending.

Employees have the right to a 4-week trial period if they accept a new role. The trial period should start after they've worked their notice period and their previous contract has ended.

This avoids any confusion or disputes over dates if the trial does not work out. It's a good idea to set out the dates for the trial in writing.

If you both agree it is not working out they can still claim redundancy pay. You can agree to a longer trial period but it must be agreed in writing.

#### Related content

[Download guidance for handling collective redundancies](#)

[Download guidance for lay-offs and short-time working](#)

Consultation is when you sit down with staff to explain your planned changes and get their feedback and input. Your plans must not be finalised at this stage and you should aim to include any staff suggestions or ideas you agree with.

### 3. Who you must consult

You must discuss your planned changes with each member of staff who could be affected. This can include staff who are not actually losing their jobs.

You must sit down with each employee individually to explain changes and get their ideas and feedback. The meeting can take place over the phone if you both agree to it and there is a clear need, for example if someone works remotely.

#### When you must consult elected representatives

You must also consult trade unions or employee representatives during 'collective' redundancies. A collective redundancy is when you're making 20 or more redundancies within 90 days in a single establishment.

This means you must discuss redundancy changes with both elected representatives and individual members of staff in collective redundancies.

#### How to consult

There are set rules for collective redundancies which you must follow. There are no set rules for consultations with fewer than 20 redundancies

but it's good practice to follow the same process.

You can read [the Acas guide to handling collective redundancies](#).

An employment tribunal could accept a claim for unfair dismissal if you can't show you've consulted an employee or employee representatives.

**You must consult staff who are on maternity leave.**

## Prepare for the consultation

You should get the information ready that you're going to share.

During the consultation period you must let staff know in writing:

- why you need to make redundancies
- the number of people and which jobs are at risk
- how you will select employees for redundancy
- how you plan to carry out the redundancies, including timeframes
- how you will calculate redundancy pay
- details of any agency workers you're using

You should also have:

- a trained person to lead the consultation
- a clear way of presenting your redundancy plan
- question and answers document

Call Acas on 0300 123 1150 to find out about training courses for your staff.

## When to begin your consultation

It's important you do not present a finalised redundancy plan to your employees. You must leave enough time to include any suggestions you agree to.

Number of redundancies	When to begin consultation
Under 20	No set rules
20 to 99 redundancies within 90 days in one establishment	30 days before the first redundancy
100 or more redundancies within 90 days in one establishment	45 days before the first redundancy

You must include in your total:

- voluntary redundancies
- employees you're moving into other roles

You only need to include employees on fixed-term contracts if you're making them redundant before the end of their contract.

## **Notify the Redundancy Payment Service (RPS)**

For collective redundancies you must let the RPS know your plans before the consultation starts.

Fill in [form HR1 on GOV.UK](#) and send it to the RPS address on the form.

**You can be fined if you do not notify the RPS.**

## **How long the consultation lasts**

There are no rules for how long the consultation should last. It can last longer than the minimum periods listed above if it's a large or complex redundancy situation.

You do not need to reach agreement for the consultation to come to an end. You simply need to show that the consultation was genuine and that you aimed to reach agreement. You must be able to show that you've listened to your employees and that you responded to questions and suggestions.

## **What to discuss at the consultation**

Consultations allow you to explain why you're planning on making redundancies.

In return it allows employees to discuss:

- ways to avoid or reduce redundancies
- how to reduce the impact of redundancies
- how the organisation can restructure or plan for the future
- how people are selected for redundancy

You must consider and respond to any suggestions made by employees. You can reject any ideas you do not think are reasonable but you should explain why. It's important to document all discussions and the reasons for your decisions.

You might not always be able to avoid redundancies but by working with employees you'll often be able to save jobs and come away with a better idea of how your business can plan for the future.

## **What information to share**

You should be as open as possible with unions and employee representatives. This will allow employees to feel part of the conversation.

Not providing enough information often leads to frustration and mistrust and can sometimes mean the consultation is invalid.

You should aim to provide the right level of detail for staff to understand your proposals. The information should not be so long or complex that a specialist is needed.

## Consult staff individually

You would normally consult individuals after you've completed consultation with employee representatives. You can choose to overlap with individual consultations if needed.

Related content

[Download guidance on handling collective redundancies](#)

You must select employees for redundancy in a fair way and not discriminate against any individuals or groups.

It's a good idea to use selection criteria to help you choose which employees to make redundant.

You should base the criteria on:

- standard of work
- skills, qualifications or experience
- attendance record (do not include absence relating to disability or maternity)
- disciplinary record

You must not select staff because of their:

- age
- disability
- gender reassignment
- race
- sex
- sexual orientation
- religion or belief
- marriage or civil partnership status
- pregnancy or maternity leave – see [the Acas guide to redundancy for pregnant employees or those on maternity leave](#)
- family related leave – for example parental, paternity or adoption leave
- role as an employee or trade union representative
- membership of a trade union
- part-time or fixed-term employee status
- pay and working hours, including the Working Time Regulations, annual leave and the National Minimum Wage

Make sure your criteria does not indirectly discriminate against any of these groups. For example if you use flexible working as a criteria you could be discriminating against women. You would need to show that

flexible working is no longer possible after your business has changed.

## 4. Agree criteria with staff

You should consult employees to identify and agree selection criteria. For example you could sit down with employees to work out the skills and experience needed for your business in the future.

The more open and collaborative your selection process is the more your employees will trust that it is fair.

### Select staff in a fair way

It's a good idea to score employees against all the agreed selection criteria. This will help you avoid relying on one particular criteria and can lower the risk of discriminating against employees.

It will also help you:

- be objective when selecting employees
- easily share with staff how the selection process works
- explain your decisions at tribunals

### Ask staff to reapply for their jobs

You can ask staff to reapply for their jobs to help you decide who to select. You should still use criteria when you interview staff to make sure you're selecting people in a fair way.

### How to score employees

You can decide how much you want to score each criteria. You should also provide written evidence to support your score.

You don't have to use the points system used in this guide, it's just an example. The 'standard of work' criteria could look like:

Criteria: standard of work	Score	Evidence
Outstanding	15	
Exceeds objectives for the role	12	
Meets all objectives for the role	9	
Meets some objectives of the role	6	

Criteria: standard of work	Score	Evidence
Fails to meet objectives for the role	3	

### Decide which criteria are most important

You can adjust the points you give for each criteria. For example if it's agreed that 'attendance record' is less important you can allocate fewer points. This creates a 'weighting' which allows you to be more flexible in how you score staff.

Apply the selection criteria to the group of employees at risk of redundancy. This is sometimes known as the 'pool of selection'.

### Set up an appeals process

You should set up an appeals process for employees who feel they have been unfairly selected. This can reduce the chances of someone making a claim against you to an employment tribunal.

You should explain in your redundancy plans how someone can appeal. You might meet with staff face-to-face to listen to their concerns or ask them to write a letter or email explaining why they do not agree with your decision.

Related content

[Download guidance on handling collective redundancies](#)

[Download guidance on managing redundancy for pregnant employees or those on mat...](#)

You can only make an employee redundant once you've finished consulting staff.

It's best to tell an employee face-to-face that you're making them redundant. You should also let them know in writing.

You should include in the letter:

- their notice period
- leaving date
- how much redundancy pay they're due
- how you calculated the redundancy pay
- any other pay you owe them (for example holiday pay)
- when and how you'll pay them
- how they can appeal

You must give them at least the statutory notice period. This is based on how long they've worked for you.

How long they've worked for you	Minimum statutory notice
One month up to 2 years	A week
Between 2 and 12 years	One week per year
12 years or more	12 weeks

You should also check your employment contracts – they might include a longer notice period.

## When the notice period starts

The notice period starts when your employee gets the letter or email telling them they've been selected for redundancy. You should make sure you know when this happens.

It's a good idea to give them the letter at work or send it by recorded delivery. If you send it by recorded delivery make sure only the employee can sign for it.

Related content

[Download guidance for handling collective redundancies](#)

You must pay redundancy to employees who have:

- an employment contract
- worked for 2 full years

## 6. How to calculate redundancy pay

You must pay at least the statutory amount to your employees.

Use the [GOV.UK redundancy pay calculator](#) to work out an employee's statutory redundancy pay.

How much redundancy pay each employee gets depends on their age and how long they've worked for you. It's capped at 20 years – working backwards from the date you made them redundant. You must pay:

- 1.5 weeks pay for each year of work after their 41st birthday
- 1 week pay for each year of work after their 22nd birthday
- half a week for each year of work before their 22nd birthday

The limit for weekly pay is £525. The maximum total amount of statutory redundancy pay is £15,750.

You should check your employment contracts as you might need to pay more than the statutory amount.

You can choose to pay higher amounts if you want to encourage voluntary redundancies.

### **If your employee's pay changes from week to week**

Calculate the average weekly pay for the previous 12 weeks from the date you made them redundant.

If they did not work for a whole week during that time – for example they were on holiday or off sick – replace it with an earlier week.

You must share in writing with employees how you've calculated redundancy payments.

### **When you must pay redundancy**

You must pay redundancy on an employee's last day. You can pay shortly after on a set date if you both agree in writing.

You should clearly communicate when and how the payment will be made. For example let employees know if payments will be included in their monthly pay or as separate payments.

### **If you cannot afford to pay redundancy**

If making redundancy payments puts your business at risk you can ask the Redundancy Payments Service (RPS) for financial help.

If you're insolvent you can get RPS to make your redundancy payments and recover the debt from your assets.

Call the RPS helpline to discuss your options.

RPS helpline: 0330 331 0020

Related content

[Redundancy pay calculator on GOV.UK](#)

[Download guidance on handling collective redundancies](#)

Redundancy can create difficult situations and conversations in your organisation.

You should think about how to support:

- employees at risk of redundancy
- managers who are breaking the news
- the people leading the consultation
- employee representatives
- staff that are staying on

It's often forgotten that those staying on experience stress from seeing colleagues and friends being made redundant. They will also be part of a

changing organisation and might feel uncertain about what the business and their roles will look like in future.

You can support staff by providing:

- counselling
- additional face-to-face meetings
- help getting financial advice
- clear plans for the future of your organisation
- help finding work for another company

## 7. Help staff find another job or training

You must allow staff a reasonable amount of time off to look for another job or training if:

- you're making them redundant
- they've worked for 2 full years (including the notice period)

### Paying staff who take time off to look for another job

You must pay employees who take time off to look for new work. The most you need to pay for the whole notice period is 40% of one week's pay. This is the total amount and not the amount per week.

For example if an employee gets paid £500 a week for a 5 day working week, the most you would have to pay them for their time off is £200 (40% of their weekly pay). This stays the same even if they take more than 2 days off.

### Contact Jobcentre Plus

Jobcentre Plus offers a 'Rapid Response Service' to help people get straight back into work. They can also help employees write or update CVs.

To get help using the Rapid Response Service email:

[rrs.enquiries@jobcentreplus.gsi.gov.uk](mailto:rrs.enquiries@jobcentreplus.gsi.gov.uk)

You need to include in the email:

- your contact details
- the town and postcode your business is based in
- the location of the redundancies

They can also give you useful information about finding work to pass on to your staff.

## Support the people breaking the bad news

You should make sure that anyone breaking the news to staff:

- understands in detail the organisation's plans
- knows why redundancies are being made
- is trained (at least in how to hold difficult conversations)
- is not over-worked (their role often involves long hours)
- has a group of colleagues they can turn to for support
- understands the support they can get from trade unions

Staff will have lots of questions about what's happening – it's important the person telling them they're being made redundant understands the changes and plans in detail.

Line managers often have to break the news to staff about redundancies. You should give line managers training and support to help them manage these difficult conversations.

They can then offer support and help to staff who are being made redundant. This in turn helps staff who are staying on believe that the organisation has dealt with the situation fairly and will be a good place to work in the future.

If the situation is handled in the right way it can make a big difference to:

- how staff react and cope with being made redundant
- the morale of staff who are staying on
- the success of the planned changes and future of the organisation

Related content

[Download guidance on handling collective redundancies](#)

## Staff Recruitment and Retention Policy

### Staff Recruitment

- 1.1 Any vacancy will have a Job Description and Person Specification prepared for it and this will be available to any prospective candidate by way of the Town Council website or a recruitment pack.
- 1.2 Application for vacancies will be by means of standard application forms
- 1.3 All applications received by the deadline will be viewed and assessed against the job description and person characteristicsappertaining to the specific vacancy. A shortlist will be drawn up for those candidates selected for interview. Any variation to 1.1 and/or 1.3 will be informed to the Council and minuted.
- 1.4 Candidates will be selected taking full account of the provisions of any Equality legislation in force at the time.
- 1.5 Offers of employment following the selection process described above will normally be made initially by telephone and followed up by a letter.
- 1.6 Unsuccessful candidates will be informed of the outcome by letter and feedback will be made if requested.
- 1.7 All offers of employment are made subject to satisfactory references being received and are subject to a three month probationary period..
- 1.8 That references taken up will be from the current employer or immediate past employer. The Town Council will also check on the candidate's right to work in the UK according to Home Office rules.
- 1.9 The Town Council will also need to verify any qualifications which are relevant to the position being offered through sight of the appropriate original documentation.
- 1.10 All staff employed by the Town Council will be required to sign the Town Council's formal Contract of Employment on appointment and not later than 2 months into their service with the Town Council.
- 1.11 All staff are paid in accordance with the nationally negotiated local government pay scales in force at the time, and subject to the NJC terms and conditions

### Staff Retention

- 2.1 All staff employed by the Town Council will be subject to an annual appraisal process.
- 2.2 The appraisal process provides a method of identifying any further training and development needs as well as monitoring staff performance and aiding in the retention of valuable members of staff.
- 2.3 Staff training will enhance the aim of high quality service provision by the Town Council. The Town Council regards the provision of training for individual employees' as opportunities for personal advancement, primarily within the organisation, where those opportunities exist.

# **SANDOWN TOWN COUNCIL STANDING ORDERS**

**TO BE READ IN CONJUNCTION WITH  
FINANCIAL REGULATIONS**

REAFFIRMATION DATE:  
REVIEW DATE:  
MINUTE NUMBER:

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## **1. Meetings**

- a.) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b.) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- c.) Subject to standing order 1(b) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda.
- d.) The period of time which is designated for members of the public to make representation on Town Council matters is 15 minutes prior to the Council Meeting commencing. Each member of the public is entitled to speak once and shall speak for no more than 3 minutes. See also Standing Order 75
- e.) In accordance with standing order 1(d) a question asked by a member of the public during a public participation session at a meeting does not require a response or debate.

## **2. The Statutory Annual Meeting**

- a.) **In an election year the Annual Town Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
  - b.) **In a year which is not an election year the Annual Town Council Meeting shall be held on such a day in May as the Council may direct**
3. **In addition to the statutory Annual Town Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

## **4. Chairman of the Meeting**

- a) **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- b) In the absence of the chairman, the Deputy Mayor may preside. If both are absent, the Councillors should choose a councillor to preside at the meeting.

## **5. Proper Officer**

**Where a statute, regulation or order confers function or duties on the Proper Officer of the Council, s/he shall be the Town Clerk or nominated officer:-**

The Proper Officer of the Council is the Town Clerk who undertakes the administration of the Council's business. The Responsible Financial Officer deals with the financial

administration of the Council and could be the Town Clerk. All duties and responsibilities of the Clerk are as laid down in the Conditions of Service Contract and Job Description. Notwithstanding those duties and responsibilities, it shall be the duty of the Town Clerk to advise Members on the content and interpretation of these Standing Orders.

- a.) To receive declarations of acceptance of office
- b.) To receive and record notices disclosing interests at meetings and issuing dispensations.
- c.) To sign and issue the summons to attend meetings of the Council
- d.) To keep a proper record of all Council meetings.

## 6. **Quorum**

**Four Members or one-third of the total membership, whichever is the greater, shall constitute a quorum at a meeting of the Council.**

- a) If a quorum is not present when the Council meets or if during a meeting the number of Members present (not **counting** those debarred by reason of a declared interest) falls below the required quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may decide.
- b) For a quorum related to a committee or sub committee, refer to Standing Order 42.

## 7. **Voting**

Members shall vote by show of hands or, by signed ballot if at least two members request it.

## 8. **On the request of a member, the Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

## 9. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote and, in the case of equality of votes, may give a casting vote, whether or not an original vote was given.**

**(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-chairman until the end of term of their office they may not give an original vote in an election of Chairman.**

**(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

**10. Order of Business**

**At each Annual Town Council Meeting the order of business shall be:-**

- a.) **To elect a Town Mayor**
- b.) **To receive the Town Mayor's declaration of acceptance of office or, if not then received to decide when it shall be received.**
- c.) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nomination.**
- d.) **To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the council which have not been received as provided by law, shall be received.**
- e.) To elect a Deputy Mayor
- f.) To appoint representatives to outside bodies
- g.) To appoint committee and sub-committees and terms of reference.
- h.) To inspect any deeds and trust investments in the custody of the Council as required; and shall thereafter follow the order set out in standing order 13.
- i.) To approve a calendar of meetings for the ensuing year.

**11. At every meeting other than the Annual Town Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**

**12. Council employees will be employed on the National Agreement on Pay and Conditions of Service of the National Joint Council ("the NJC") for Local Government Services. Standing order 32 must be read in conjunction with this requirement.**

**13. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:-**

- a.) To read and consider the Minutes; provided that a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- b.) **After consideration to approve the signature of the Minutes by the person presiding as a correct record**
- c.) **To deal with business expressly required by statute to be done.**
- d.) To answer questions from councillors
- e.) To receive and consider reports and minutes and recommendations of committees

- f.) To receive and consider any motions in the order in which they have been notified.
- g.) To authorise the sealing of documents
- h.) To authorise the signing of orders for payment
- i.) To receive correspondence.
- j.) Other items as specified on the agenda.

**14 Motions Moved Without Notice**

Motions dealing with the following matters may be moved without notice:-

- k.) To Elect a Chairman of the meeting
- l.) To correct the minutes
- m.) To approve the minutes
- n.) To alter the order of business
- o.) To proceed to the next business
- p.) To close or adjourn the debate
- q.) To refer a matter to a committee
- r.) To appoint a committee or any member thereof
- s.) To adopt a report
- t.) To authorise the sealing of documents
- u.) To amend a motion
- v.) To give leave to withdraw a resolution or amendment
- w.) To extend the time limit for speeches
- x.) To exclude the press and public.
- y.) To silence or eject from a meeting a member named for misconduct.
- z.) To give the consent of the Council where such consent is required by these Standing Orders.
- aa.)To suspend any Standing Orders.
- bb.)To adjourn the meeting

**15. Urgent Business**

A motion may vary the order of the business on the grounds of urgency.

- a.) May be proposed by the Chairman or by any other member and, if proposed by the Chairman may be put to the vote without being seconded, and
- b.) Shall be put to the vote without discussion.

**16. Motions Moved on Notice**

- a) Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been included on the Agenda by the Town Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the council

- 17.** The Town Clerk shall date every notice of motion and shall number each notice in the order in which it was received and shall enter it in a book which shall be open for inspection.

18. The Clerk shall insert in the summons of every meeting all notices of motions or recommendations properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that they intend to move at some later meeting or that they withdraw it.
19. If a motion or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the council, be treated as withdrawn and shall not be moved on a fresh notice.
20. If the subject matter of a motion comes within the province of a committee of the Council, it shall upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; providing that the Chairman, if considered to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
21. Every motion or recommendation shall be relevant to some subject over which the Council has power or duty which affects its area.

**22 Questions**

A member may ask the Town Clerk or the Town Mayor any question concerning the business of the Council under discussion and every question shall be put and answered without discussion.

The person to whom a question has been put may nominate another person to answer or refer to a relevant document or provide a written reply where a reply cannot reasonably be given orally.

**23 Rules of debate**

- a) All remarks shall be addressed to the Chairman.
- b.) No discussion shall take place on the minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

- 24 a.) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to the Chairman before it is further discussed or put to the meeting.
- b.) A member when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of debate.
- c.) If a motion (including the amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder.

- c.) A member shall direct their speech to the question under discussion or to a personal explanation or to a question of order.
- d) An amendment shall be either add or remove words to a motion
- e) An amendment shall not have the effect of negating the motion.
- f.) If an amendment is carried, the resolution, as amended, shall take the place of the original motion or substantive motion and shall become the resolution upon which any further amendment may be moved.
- g.) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- h) The mover of a motion or of any amendment shall have the right of reply not exceeding three minutes immediately before the motion is put to the vote.
- i.) Excluding motions under Standing Orders k (i-ix) below, the contributions or speeches by a Councillor shall only relate to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.
- j) A motion or amendment may be withdrawn by the proposer with the consent of the Council, without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- k.) When a motion is under debate no other resolution shall be moved except the following;-
  - i.) To amend the motion
  - ii.) To proceed to the next business
  - iii.) To adjourn the debate
  - iv.) To put the motion to the vote
  - v.) To ask that member be no longer heard
  - vi.) To ask that the member leave the meeting
  - vii) That a motion be referred to a committee
  - viii) To exclude the public and press
  - ix) To adjourn the meeting

**25** A member is required to stand when speaking.

**26** a.) A point of order shall be decided by the Chairman of the meeting and his decision shall be final.

b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

- c.) Whenever the Chairman rises to their feet during a debate all other Members shall be seated and silent.

## **27 Closure**

Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated.

## **28 Code of Conduct and Dispensations**

### **a.) All members must observe Sandown Town Councils Code of Conduct**

- b.) Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which s/he has a disclosable pecuniary interest and only return after the matter has been considered.
- d.) Unless granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which s/he has another interest if so required by the council's code of conduct and only return after the matter has been considered.
- e.) Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting or at the start of the meeting for which the dispensation is required.
- f.) A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- g.) **A dispensation may be granted if having regard to all relevant circumstances, the following applies:**
  - i. **Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business.**
  - ii. **Granting the dispensation is in the interests of person living in the council's area**
  - iii. **It is otherwise appropriate to grant a dispensation.**

## **29 Code of Conduct on Complaints**

- a) The Town Council shall deal with complaints in accordance with adopted policies except for those complaints which should be properly directed to the Monitoring Officer at the Isle of Wight Council.
- b). If the Proper Office submits a complaint to the IW Council regarding a Town Councillor the Mayor will be informed and another staff member will deal with any correspondence from the IW Council in relation to the matter until the complaint has been determined.
- c) Upon notification by the IW Council that a councillor has breached the Town Council's code of conduct, the Council shall consider what, if any, action should

be taken against them. Such action excludes disqualification or suspension from office.

**30. Rescission of Previous Resolution**

a.) A decision of the Council (whether affirmative or negative) shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least four Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

b.) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months. This order shall not apply to motions moved in pursuance of a report or recommendations of a committee. This order shall not apply to motions in pursuance of a report or recommendation of a committee.

**31. Voting on Appointments**

Where more than two persons have been nominated for any position to be filled by the Council and of votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

**32. Discussions and Motions Affecting Employees of the Council**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or terms and conditions of service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has excluded the press and public (See Standing Order No 58)

**33. Motions on Expenditure**

Any resolution which, if carried, would in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion and be referred to RFO to report on the financial aspects of the motion to the next ordinary meeting of the Council

**34. Expenditure**

**Orders for the payment of money shall be authorised by resolution of the Council as per Financial Standing Orders.**

**35. Sealing of Documents**

a.) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution

b.) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the council, any document required by law to be issued under seal.

### **36 Extra Ordinary Meetings**

- a) The Mayor or Chairman of a Committee may summon an extra ordinary meeting at any time.
- b) An extra ordinary meeting shall also be called by 2 councillors in writing to the Mayor. If within 7 days of having been requested to do so, the Mayor does not or refuses, the councillors may convene a meeting giving public notice of the time and place and agenda signed by the 2 councillors.

### **37 Committees**

The Council may at the time of its Annual Town Council Meeting or any time as desired, appoint standing committees: -

- a.) In accordance with Standing Orders 37- 46
- b.) The terms of reference will be determined by the Clerk.
- c.) The Council may at any time dissolve or alter the membership of the committee
- d.) The Town Mayor ex-officio shall be a voting member of every committee

- 38** Every committee at its first meeting before proceeding to any other business, shall elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its schedule of meetings for the year.

### **39 Sub-Committees**

Every committee may appoint sub-committees for purpose to be specified by the committee.

### **40 Reports of Committees to Council**

- a.) The Chairman of each committee or another member of the committee shall formally move for adoption by the Council motions for approval from the committee which should be formally seconded. A period of time shall be allowed for Members questions and shall move for adoption or confirmation as appropriate.
- b.) A member may propose an amendment any motion brought forward by the committee and such an amendment will be dealt with under Standing Orders
- c.) The Chairman of each committee or another member of the committee shall formally move the noting of minutes from the committee.

- 41.** The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

- 42.** Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one third of its members.

### **43 Advisory Committees**

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Town Clerk shall inform the members of each advisory committee of its terms of reference of the committee
- 3) An advisory committee may make recommendations and give notice thereof to the Council and may also consist of persons who are not members of the Council.

**44 Voting in Committees**

Members of committees and sub-committees entitled to vote, shall vote by the show of hands, or, if at least two members so request, by signed ballot.

**45** Chairman of committees and sub-committees shall have in the case of an equality of votes have a second or casting vote.

**46. Presence of Non-Members of Committees at Committee Meetings**

A member who has proposed a resolution which has been referred to any sub-committee, of which they are not a member, may explain their resolution to the committee but shall not vote.

**47. Accounts and Financial Statement**

1. Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

2. Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Town Clerk.

3. All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

**48.** The Responsible Financial Officer shall supply to each member as soon as practicable. a Financial Statement prepared on the appropriate accounting basis (receipts and payments or income and expenditure) for a year to 31<sup>st</sup> March which shall be presented to each member before the end of the following month of May.

**49 Estimates/Precepts**

1) The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

2) Any committee desiring to incur expenditure shall give the Town Clerk a written estimate of the expenditure recommended for the coming year no later than November.

**50. Interests**

The Town Clerk is required to compile and hold a Register of Members Interests, or a copy thereof in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

**51.** If a candidate for any appointment under the Council is to their knowledge related to any member of or holder of any office under the Council, they and the person to whom they are related shall disclose the relationship in writing to the Town Clerk. A candidate who fails to do so shall be disqualified for such appointment, and if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

**52.** The Town Clerk shall make known the Standing Orders to every candidate.

53. Removed – min:1639/18 12<sup>th</sup> March 2018
54. Removed- min:1639/18 12<sup>th</sup> March 2018
55. **Inspection of Documents**  
A member may for the purpose of his duty as such (but not otherwise), inspect any documents in possession of the Council
56. **All minutes kept by the Council and by any committee shall be open for the inspection by any member of the Council.**
- 57 **Unauthorised Activities**  
No member of the Council or of any committee or sub committee shall in the name of or on behalf of the Council:-  
a.) Inspect any lands or premises which the Council has a right or duty to inspect; or  
b.) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.
58. **Admission of the Public and Press to meetings 1960 Act**  
**The public and the press shall be admitted to all meetings of the Council and its committees, which may, however, temporarily exclude** the public and press by means of the following resolutions:-  
“That in the view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and are instructed to withdraw”.
59. The Council, committee or sub-committee shall state the special reason for exclusion.
60. The Town Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present-
- 60 In compliance with legislation, recording of meetings may take place with regard to the Town Council’s Protocol and Guidance for Recording, Photography and use of Social Media at Sandown Town Council Meetings.
62. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order.
- 63 **Confidential Business**  
1) No Member of the Council or of any committee or sub-committee shall disclose to any person, not being a Member of the Council, any business declared to be confidential by the Council, the committee or sub-committee as the case may be.

- 2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the council by the Council.

#### **4 Liaison with Unitary Councillors**

An agenda for each meeting will be sent to the Unitary Councillor for the ward.

#### **65. Planning Application**

The Town Clerk shall keep a record of planning applications notified to the Council and refer such applications to the relevant meeting.

#### **66. Financial matters**

Proper practices in standing Orders refer to the most recent version of Governance and Accountability for Local Councils.

The Council shall consider and approve Financial Regulations drawn up by the Town Clerk in conjunction with the Responsible Finance Officer.

- 1) Such Regulations shall include detailed arrangements for the following:
  - a) The accounting records and systems of internal control;
  - b) The assessment and management of risks faced by the Council;
  - c) The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually.
  - d) The financial reporting requirements of members and local electors and
  - e) Procurement policies (subject to (2) below including the setting of values for different procedures where the contract has an estimated value of less than £20000.
  - f) The RFO can vire after consulting the Town Clerk amounts up to £500 in the budget without referring back to the Council.
- 2) Any proposed contract for the supply of goods materials, services, and the execution of works with an estimated value in excess of £20,000 shall be procured on the basis of a formal tender as summarised in (3) below.
- 3) Any formal tender process shall comprise of the following steps:
  - a) Where the value of the intended contract exceeds £20,000 notice shall be given in such newspapers in the area as the Council shall direct.
  - b) Notice in respect of a contract exceeding £20,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders must reach that person.
  - d) Tenders shall be opened by the Town Clerk in the presence of two members and shall be reported to the Town Council or the appropriate Committee
  - e) Neither Council or the Committee are bound by the lowest tender.
  - f) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

- g) Where it is intended to enter a contract not exceeding £5000 in value for the supply of goods and materials or for the execution of works, the Town Clerk shall obtain at least three estimates for the work required.
  - h). When contracts exceed EU thresholds The European Union Procurement Directive and the terms of the Public Contracts Regulations 2006 (SI No 5 as amended) and the Utilities Contracts Regulations 2006 (SI No 6 as amended) including thresholds shall apply to the contract and if so, the Council must apply with EU procurement rules.
- 4) The Council or a committee is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain reference to Standing Order 58 and 60 regarding improper activity
- 5) The Financial Regulations of the Council shall be subject to regular review, at least once every two years

**67. Data Protection Act**

- a). The agenda, papers that support the agenda and the minutes of the meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b) Members shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

**68. Information requests**

Requests will be handled in compliance to the FOI Act 2000 and the Data Protection Act 1998 subject to amendments as needed, when the General Data Protection Regulation (GDPR) will apply from 25 May 2018.

**69. Press and Media**

All requests will be handled in accordance with the Council's policy.

**70. Premises**

Meeting shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.

**71. Staff Matters**

- a.) The Town Council is the employer of and responsible for all staff in accordance with relevant law, including health and safety, and the Town Council policies.
- b.) The Town Clerk is line manager to all staff and has delegated responsibility for all HR functions and undertaking annual appraisals.
- c.) The Mayor and Deputy Mayor will undertake the appraisal of the Town Clerk annually and the review will be reported to the Council.
- d.) Any staffing matter for discussion is subject to Standing Order 32

- e.) Grievance and Disciplinary matters will be dealt in accordance to Council policy, by a committee convened for the purpose and any subsequent sub-committee if required.
- f.) All HR records are confidential and maintained in accordance with Data Protection compliance and Town Council policy.

### **73 Training**

All newly elected Councillors are to receive training in the first year of office, and that other members of the Council are encouraged to attend relevant training courses.

### **74. Execution and Sealing of Legal Deeds**

- a) A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b) The council's common seal shall alone be used for sealing a deed required by law and shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

### **75. Public Right to make Representations**

- a. Members of the public may make representations and ask questions at a meeting which they are entitled to attend, in respect of business on the agenda.
- b In accordance with standing order 75 a above, the questions shall not require a response at the meeting not start a debate on the question. The chairman of the meeting may direct that a written or oral response be given or invite an officer, or other member with a particular involvement in the matter in question, to provide an answer.
- c Any member of the public wishing to make representation to the council on an item which is considered to be the business of this council, may speak at a council meeting for a period not exceeding three (3) minutes.
- d Where a group of members of the public wishes to make representation on an item which is considered to be the business of the this council, and is listed on the agenda, they will be required to nominate a representative from among themselves, to speak for a maximum of three (3) minutes or longer at the discretion of the Mayor, to express the views of the group.
- e The total time allowed for questions/representations by members of the public will not exceed 15 minutes. The Mayor reserves the right to limit the number of speakers on any given item of business and his/her decision will be final.
- f If, after speaking for the allotted time, any member of the public or group persistently interrupts the Mayor, after due warning to that person/s, may order that they be removed from the meeting and may adjourn the meeting for such a period as is necessary to restore order. *(Note: A group shall be defined as any number of persons bound together by a common interest)*

**76. Variation, Revocation and suspension of Standing Orders**

Any or every part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to a specific item of business.

**77. Standing orders to be given to Members**

A copy of these standing orders shall be given to each member by the Town Clerk upon delivery to him of the member's declaration of acceptance of office.

**78. Duration of meetings**

The Town Council will aim to deal with the business on the agenda within 2 hours. If this period of time becomes insufficient to complete the business, the Council will resolve :-

- a) To continue for another 30 minutes **or**
- b) To defer all items on the agenda not dealt with, until the next monthly meeting **or**
- c) To convene an additional meeting in two weeks time from the date of the meeting, to discuss the outstanding business on the agenda.

These Standing Orders were adopted by the Town Council at the meeting held on 19th March 2018 (Minute 1639/19)

**Date: 19/3/18**

SANDOWN TOWN COUNCIL

# **Policy for dealing with persistent or vexatious complaints**

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER:

# SANDOWN TOWN COUNCIL

## Policy for dealing with abusive, persistent or vexatious complaints and complainants

### 1 Introduction

- 1.1** This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious and ways of responding to these situation.
- 1.2** In this policy the term habitual means 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.3** The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.
- 1.4** Habitual or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 1.5** Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.
- 1.6** The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

### 2. Habitual or Vexatious Complainants

2.1 For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

***The repeated and/or obsessive pursuit of:-***

- (a) unreasonable complaints and/or unrealistic outcomes; and or***  
***(b) reasonable complaints in an unreasonable manner***

**2.2** Prior to considering its implementation the Council will send a *summary* of this policy to the complainant to give them prior notification of its possible implementation.

**2.3** Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Complaints Committee will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

**2.4** The Clerk on behalf of the Town Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. *The Isle of Wight Council will also be informed that a constituent has been designated as a habitual or vexatious complainant.*

**2.5** The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

### **3. Definitions**

**3.1** Sandown Town Council define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

**3.2** Examples include the way in which, or frequency with which, complainants raise their complaint with staff or how complainants respond when informed of the Council's decision about the complaint.

**3.3** Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

#### **An unreasonably persistent and/or vexatious complainant may:**

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- Refuse to accept that issues are not within the power of the Council to investigate, change or influence.
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- Make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints

- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes, telephone calls or emails)
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expects this to be taken into account and commented on
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Deny statements he or she made at an earlier stage in the complaint process
- Electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved
- Adopts an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police or solicitors.
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- Persistently approach the Council through different routes about the same issue
- Persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons
- Refuse to accept documented evidence as factual
- Complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- Combine some or all of these features

#### **4. Imposing Restrictions**

4.1 Sandown Town Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

4.2 In the first instance the Clerk will consult with the Complaints Committee prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the council may take if they do not comply.

4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Town Council in future will be restricted. The Clerk will make this decision in consultation with the Complaints Committee

and inform the complainant in writing of what procedures have been put in place and for what period.

4.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time that the restriction will be in place for. In most cases restrictions will apply for between 3-6 months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party eg a solicitor, a Councillor or a friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all Council Officers and insisting they only correspond by letter
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days and/or times and/or duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that Sandown Town Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence)
- 

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:-

- Why the decision has been taken
- What action is being taken
- The duration of that action

4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Complaints Committee may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, eg the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

## **5. New complaints from complainants who are treated as abusive, vexatious or persistent**

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk and the Complaints Committee will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor is ignoring genuine service requests or complaints where they are founded.

**5.2** The fact that a complainant is judged to be unreasonably persistent or vexatious and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

**6. Review**

**6.1** The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk, and the Complaints Committee after three months, and at the end of every subsequent three months within the period during which the policy is to apply.

**6.2** The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

**7. Record Keeping**

**7.1** The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:-

- The name and address of each member of the public who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the person and Council were advised

**7.2** The Council will be provided with an annual report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

The Complaints Committee will consist of the Mayor, Deputy Mayor and one other Councillor

This policy was adopted at the meeting held on 15<sup>th</sup> January 2018

Minute no: .....

# SANDOWN TOWN COUNCIL

## VOLUNTEER POLICY 2018

This Policy applies to volunteers working on behalf of, but not employed by, Sandown Town Council.

1. Volunteers must be adequately trained to be able to carry out the role required. The exact nature of the training will depend on the role. It is not possible to detail what constitutes 'adequacy' as requirements will vary according to:

- ❖ The job or activity
- ❖ The existing competency of volunteers
- ❖ The circumstances of the work (e.g. the degree of supervision)
- ❖ The tools and/or equipment being used

The training standard, however, must be sufficient to ensure the Health & Safety of volunteers and any people who might be affected by the work, as far as reasonable practicable. Responsibility for providing training rests with the individual to whom authority has been provided by Sandown Town Council to undertake the work.

2. Volunteers, if working for only a few hours to help at an event or similar, must still be informed about the task and its purpose, health and safety and supervision arrangements. Responsibility for this rests with the individual to whom authority has been provided by Sandown Town Council to undertake the work.

3. Volunteers expect to be treated equally, regardless of their gender, race, age, faith/religion, disability or sexual orientation. Volunteers must be accommodated from all walks of life.

4. Volunteers must undergo an induction appropriate for the task(s) being undertaken. This must include health and safety, what to do if there is a problem and an introduction to other relevant individuals. Responsibility for the induction rests with the individual to whom authority has been provided by Sandown Town Council to undertake the work.

5. A risk assessment must be undertaken in order to identify risks that might be faced and how they will be managed. If an area of activity presents a significant risk, consideration must be given to reducing or stopping the activity which gives rise to the risk. Sandown Town Council, through the offices of its Clerk or other person(s) as advised, must receive a copy of such risk assessment records. Responsibility for undertaking the risk assessment rests with the individual to whom authority has been provided by Sandown Town Council to undertake the work. Risk assessments and their associated paperwork must comply with current Health and Safety at Work legislation.

6. So far as insurance is concerned, on condition that volunteers are working at the sole request of and under the sole control of Sandown Town Council then they will

be insured under the Town Council's Public Liability and Employers' Liability cover. Reporting to Sandown Town Council in respect of work which is of an ongoing nature is not necessary on each occasion and does not require formal approval of Sandown Town Council on each occasion.

**7.** Volunteers must carry out only less hazardous work involving, for example, path maintenance and grass cutting, with the use of non-powered tools only, other than lawnmowers/grass cutting equipment and strimmers, when stout footwear must be worn and safety goggles in case of strimmers. If there are serious issues with regards to trees, this work must be carried out a qualified tree surgeon with their own public liability cover of no less than £5,000,000.

Prior to work commencing, a visual inspection must be carried out to ensure that there are no obvious hazards such as litter, glass or stones. Responsibility for undertaking the inspection rests with the individual to whom authority has been provided by Sandown Town Council to undertake the work. Remedial action must be taken immediately and these inspections are to be recorded.

If volunteers use their own tools, the Sandown Town Council cannot be held liable for any injury caused by them through the use of faulty equipment/tools. Cleaning materials must not be stronger than those available on shop shelves. High visibility vests or other appropriate clothing must be worn where appropriate.

**8.** Jewellery, necklaces, watches and the like must not be worn if they might compromise the safe working environment for the volunteer.

**9.** Generally trainers, open-toed shoes, heeled shoes or sandals must not be worn if by so doing the safe working environment for the volunteer is compromised.

**10.** Long hair must be tied up if it is long enough to compromise health and safety requirements.

**11.** All work undertaken by volunteers shall have regard to the Health and Safety at Work Act 1974 and all other Health & Safety Legislation.

**12.** If Sandown Town Council is required to make a decision, a detailed and fully costed proposal must be submitted to the Clerk by no later than the Monday of the week preceding the Town council meeting.

**13.** Expenses will be paid only with the prior approval of Sandown Town Council and after receipt by the Town Council of paper receipts in respect of same. They will not include safety equipment or clothing.

**14.** Volunteers must inform Sandown Town Council of the work they intend to undertake before commencing such work, preferably in writing to the Clerk.

**Adopted:** 12<sup>th</sup> March 2018

**Minute no:** 1639/18

REAFFIRMATION DATE:

REVIEW DATE:

MINUTE NUMBER: