

**Barton under Needwood Parish Council - Receipts and Payments Monthly Summary**

2024-2025

Receipts	April	May	June	July	August	September	October	November	December	January	February	March	Total	Budget	Budget Balance
Rents	1,200.00	445.00	0.00	22.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,667.50		
Interest	77.93	106.87	117.60	92.26	40.63	272.70	49.71	67.82	57.67	1,144.41	0.00	0.00	2,027.60		
ESBC	40,722.24	0.00	0.00	0.00	0.00	40,722.23	0.00	0.00	0.00	0.00	0.00	0.00	81,444.47		
LA Other	932.50	0.00	0.00	0.00	0.00	12,375.93	0.00	500.00	0.00	0.00	0.00	0.00	13,808.43		
Burial Ground	1,185.00	1,815.00	3,440.00	1,820.00	2,160.00	300.00	785.00	300.00	830.00	910.57	300.00	0.00	13,845.57	16,000	-2,154
Fishpond	180.00	488.00	530.00	302.00	225.00	218.00	0.00	215.00	0.00	0.00	0.00	0.00	2,158.00	3,100	-942
VAT	0.00	0.00	10,997.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,997.49		
Car Park	0.00	0.00	0.00	0.00	0.00	0.00	10,390.96	0.00	0.00	0.00	0.00	0.00	10,390.96		
Other	0.00	0.00	150.00	40,158.44	0.00	0.00	0.00	40,000.00	0.00	0.00	0.00	0.00	80,308.44		
Grants/donations	0.00	50.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	100.00		
<b>Total Income</b>	<b>44,297.67</b>	<b>2,904.87</b>	<b>15,235.09</b>	<b>42,395.20</b>	<b>2,425.63</b>	<b>53,888.86</b>	<b>11,275.67</b>	<b>41,082.82</b>	<b>887.67</b>	<b>2,054.98</b>	<b>300.00</b>	<b>0.00</b>	216,748.46		

Payments	April	May	June	July	August	September	October	November	December	January	February	March	Total	Budget	Budget Balance
Bank Charges	7.00	20.86	0.00	27.55	29.29	0.00	13.38	13.98	7.85	22.92	0.00	0.00	142.83		
Salaries	3,427.92	3,801.89	3,475.50	3,475.30	3,786.59	3,475.70	3,786.39	3,785.49	3,739.82	3,782.56	0.00	0.00	36,537.16		
Lengthsmen	206.00	257.40	206.00	205.80	257.40	206.00	257.40	205.80	296.00	257.40	0.00	0.00	2,355.20		
HMRC	1,314.12	934.79	1,068.56	883.88	884.28	1,068.56	883.68	1,068.73	1,080.66	1,043.56	0.00	0.00	10,230.82		
Nest Pensions	196.00	329.70	0.00	329.70	0.00	329.70	0.00	164.85	407.53	0.00	183.28	0.00	1,940.76		
Admin	1,019.94	2,587.48	1,205.00	957.93	319.58	309.85	2,843.48	204.66	386.98	757.75	0.00	0.00	10,592.65		
Burial Ground	204.17	231.59	164.56	1,338.01	162.50	20.03	508.71	20.01	182.50	119.18	0.00	0.00	2,951.26	2,385.00	-566.26
Allotments	0.00	0.00	0.00	81.06	26.19	0.00	524.98	44.27	0.00	73.51	0.00	0.00	750.01	2,200.00	1,449.99
Fishpond	98.00	9,792.00	180.67	0.00	0.00	357.12	264.93	302.41	168.30	0.00	0.00	0.00	11,163.43	12,845.00	1,681.57
Donations	75.00	0.00	0.00	0.00	120.00	0.00	478.40	100.00	0.00	50.00	0.00	0.00	823.40		
P&OS	80.00	1,711.71	2,948.43	1,938.54	1,158.54	20.67	1,462.34	20.97	10,015.00	1,654.51	0.00	0.00	21,010.71	23,181.00	2,170.29
Capital Exp	533.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	533.00		
Maintenance	665.78	146.80	15.00	67.45	39.99	0.00	20.42	1,103.17	20.42	0.00	0.00	0.00	2,079.03		
Car Park	91.52	114.40	91.52	91.52	114.40	1,107.66	114.40	91.52	91.52	91.52	0.00	0.00	1,999.98		
General payments	0.00	636.69	11,443.44	40,001.00	0.00	0.00	0.00	40,000.00	23.99	0.00	0.00	0.00	92,105.12		
Projects	0.00	0.00	0.00	0.00	0.00	0.00	0.00	727.00	0.00	0.00	0.00	0.00	727.00		
VEC	228.36	218.42	0.00	0.00	0.00	0.00	420.00	149.14	41.74	200.00	0.00	0.00	1,257.66	2,500.00	1,242.34
VAT	291.38	2,132.21	815.70	649.44	317.33	60.40	883.78	418.56	2,108.88	337.91	0.00	0.00	8,015.59		
<b>Total Spend</b>	<b>8,438.19</b>	<b>22,915.94</b>	<b>21,614.38</b>	<b>50,047.18</b>	<b>7,216.09</b>	<b>6,955.69</b>	<b>12,462.29</b>	<b>48,420.56</b>	<b>18,571.19</b>	<b>8,390.82</b>	<b>183.28</b>	<b>0.00</b>	205,215.61		

**Barton under Needwood Parish Council -**  
**Schedule of Payments presented to Full Council**  
**(invoices emailed with meeting pack)**

06/02/2025

Payee	Description	£ Value Gross	£ VAT	£ NET	Allocation
Salaries total		4,167.14		4,167.14	HR
Nest Pension Scheme		193.78		193.78	HR
HMRC		1,043.56		1,043.56	HR
Barton Village Hall	ad hoc meetings	31.50		31.50	Admin
Lloyds	Bank Charges	10.35		10.35	Admin
Sky mobile	mobile phone and CCTV data	29.00		29.00	Admin & P&OS
JPS	August invoice	1,372.25	228.71	1,143.25	P&OS
Starboard Systems Ltd	Accounts subscription inv	67.20	11.20	56.00	Admin
Burton Skip Hire	Burial Ground skip	195.00	32.50	162.50	B. Ground
JTHS	Room hire 20/3/25	36.00	6.00	30.00	Admin
Country Services	Oil and lubricant	29.48	4.91	24.57	Maintenance

**6,891.65**

Highlighted items already paid are contracted, urgent or authorised from committee budgets for ratification

Other notifications:

Unity Interest Rate change

### We're reducing your interest rate

Dear Mrs Rumsby

We wanted to let you know that the interest rate on your Instant Access Saving account is changing. This will come into effect on the 18/02/25. Please see your new interest rates below.

#### Your new interest rate

Account type	Existing rate Gross rate*/AER**	New rate from 18.02.25 Gross rate*/AER**
<b>Instant access</b>		
<b>All balances</b>	<b>2.60% / 2.63%</b>	<b>2.50% / 2.52%</b>

If you are happy with the change, you do not need to take any action and we'd like to thank you for continuing to save with us.

If you don't wish to accept these changes and would prefer to close your account(s) before the rate changes you can do this by completing the [account closure form](#) on our website or calling us on the number below.

If you would like any further information about these changes, please visit [unity.co.uk](http://unity.co.uk) or call us on 0345 140 1000^.

Together, we have a bank to be proud of.

Yours sincerely

**Anna de Rosier**

Chief Operating Officer

**Unity Trust Bank plc**

For Businesses. For Communities. **For Good.**

Water Plus:

Notification of refund of charges £210.57

**Barton under Needwood Parish Council****Bank Reconciliation as per statements at:**

04-Feb-25

Lloyds Business Account	£	2,001.00
Lloyds Commercial Instant Access Saver	£	45,404.61
Unity Trust Bank Instant Access Saver	£	80,648.57
National Savings	£	35,189.06

**Total Bank Balances** £ 163,243.24

**Add Credits not on Statement**

187 82.00

£82.00 **£ 163,325.24**

**Less unrepresented payments:-**

chqs 250.00

£250.00 **£ 163,075.24**

**Opening Balances :-****Bank Statements as at 31st March 2023**

Lloyds Current A/C	£	1,965.00
Lloyds Deposit A/C	£	74,372.32
National Savings	£	74,494.67
Petty Cash	£	150.00

Parish Council - **Total £ 150,981.99**

*Add Receipts to date* £ 217,308.86

*Less Expenditure to date* £ 205,215.61

Total Cash and Investments as at - **£ 163,075.24**

**Difference** £ 0.00

RFO, S. Rumsby

PLANNING\_ All matters have been referred to the Planning Committee and their comments appear in italics below, the Committee meet fortnightly 5pm, in the small meeting room, Barton Village Hall. Please contact the clerk for dates should you wish to attend any Planning Meetings. Presented to full Council for ratification.

1. P/2024/01259 - Church Farm Cottage, 5 Church Lane: Rear single storey and linked extension to the dwellinghouse to form new bedroom, shower / utility / boot room, dining / family room and large kitchen with associated roof lights and alterations to porch front elevation

*The application description provides a more than adequate picture of the work to be undertaken. Church Farm Cottage is situated in the Conservation Area, along the lane at the rear of St James's Church. The Cottage is rendered but the existing garage is of brick. What is proposed is a single-storey, flat roofed extension linking the two structures which is also proposed to be rendered.*

#### **Parish Council Comments**

*According to the National Planning Policy Framework December 2024, para 207 requires applicants to provide a heritage statement which describes the significance of any heritage assets affected including any contribution made by their setting. The applicant's Heritage Statement fails to describe the significance of the heritage assets. It merely notes the two nearby listed building and confirms the property's location in the Conservation Area.*

*As a consultee, we feel that the Heritage Statement is, therefore, not very helpful in trying to understand how the applicants have taken account of the character of the conservation area and the importance of the listed buildings. Indeed, the Heritage Statement notes that the proposed extension is located at the rear of the property and can, therefore, not be viewed in the wider context of the conservation area. This is tantamount to saying that if you can't see it then it doesn't really matter and, therefore, almost denying the role and importance of the character of the Conservation Area.*

*Policies SP 25 and DP 5 both state that development proposals should protect, conserve and enhance heritage assets and their settings. Policy SP 25 states that such heritage assets may consist of undesignated and designated assets including listed buildings and the conservation area. Proposals should include high quality design. Policy DP 5 amplifies this by stating that proposals within the conservation area must respect the context and character and appearance of the area by using sound design principles. It further states that any development within the conservation area will respect the existing character in terms of scale, form, materials and detailing.*

*To our minds these policies are stating that any development, and this presumably includes an extension such as this, in the conservation area must respect, protect, conserve and enhance its character. There is no get out clause in these policies about whether the proposal cannot be seen from the public realm. To back up this view, we are reminded of an English Heritage survey of Conservation Areas from 2009. This indicated that a lack of attention to the design quality of extensions to properties had been one of the issues that had led to a dilution of the character of conservation areas.*

*No explanation is given for why a flat roofed linked extension is preferred to a pitched one or indeed why render is the material of choice rather than brick. The flat roof, to our minds, looks odd and lacks cohesion in terms of its purpose of linking two structures. Whilst we accept that the main house is rendered, the garage is brick. There is also an abundance of glass not just in the extension but also in the remodelled garage. The proposed side elevation facing the driveway for the garage gives it an appearance more of a divorced residential part of the house rather than an ancillary building to the main dwelling. This side elevation view just demonstrates this lack of connection with the main property. The flat roof, the amount of glass and the lack of cohesion all point to the applicants failing to demonstrate and to do justice to the need to respect the character of the conservation area in terms of scale, form, materials and detailing. As a result, we believe that the proposal fails to meet the criteria of Policies SP 25 and DP5.*

*Policy SP 24 states that all proposals must contribute positively to the area in which they are located, and developers are required to demonstrate how they have responded to the criteria in this policy. Both the Design and Access and the Heritage Statements fail to address this issue. How does this proposal make a positive contribution?*

*We believe that the proposal could take its design lead from the redevelopment of the adjacent Old Parish Rooms. There is an abundance of subtle detail in the design and also the use of brick which reflects the guidance of the Conservation Area Appraisal. In that context, we appreciate that the applicants are proposing a more traditional style timber porch to the front of the property.*

*We would like to suggest an improvement to the design. We feel that a pitched roof extension would provide a more appropriate design link to the garage than a flat roof. We appreciate that such a pitch, if used for its full extent and depending on its scale, might lead to a loss of light to the first-floor windows. We would, therefore, suggest that the pitch of the garage roof be extended an appropriate distance but that the gap with the house itself be filled by a lower level pitched glassed structure. We would also like to suggest that the extension be constructed of brick so as to provide a material link with the garage and that the amount of glass in the garage be minimised. The rear of the glassed structure could be built of brick but the side elevation facing the driveway would be glass. We attach a photograph to demonstrate how our design suggestion has been achieved at a property in Sich Lane.*

*Without changes to the design and materials we feel that the property is contrary to Policies SP 24, SP 25 and DP 5 and we object accordingly.*

2. P/2024/01238 - Holland Sports Club, Potters Way: Demolition of four existing single storey buildings to facilitate the erection of a replacement clubhouse  
*Although we are not included in the application, due to the long lease, Barton Parish Council are the owners of the land and the existing clubhouse subject to this application. We have, and will continue to, liaise with Holland Sports Club over this application and fully support the project in order to ensure the long-term future of the site as a sport and recreation facility in accordance with the wishes of the original donors, the Holland Family.*  
*We therefore have an obvious difficulty with regard to our role as a consultee. The ESBC Monitoring Officer has advised that it may be a conflict of interest for us to provide our usual consultee comments. As such, the Parish Council we will restrict our involvement to advising any member of the public offering comments to contact the Local Planning Authority directly.*
3. P/2024/01152 - Barton Marina, Barton Turn: Change of use of land for the siting of up to 24 holiday let lodges
4. P/2024/01379 - 39 Sutton Crescent: Conversion of existing integral garage for use as additional living accommodation
5. P/2025/00104 - Buddleia Cottage, 17 Wales Lane: Crown reduction of 1 Norway Maple tree to previous points
6. P/2025/00019 - 60 Efflinch Lane: Demolition of existing conservatory and alterations to roof on existing side extension to facilitate the erection of single storey rear extension

#### ESBC Decisions – Permissions Granted

1. P/2024/01223 - 26 Hardy Close: Crown reduction of Ash tree by approximately 2-3 metres close to previous points of pruning (T4 of TPO 132)
2. P/2024/01230 - 120 Captains Lane: Discharge of condition numbers 3, 4 and 5 of planning permission P/2024/00300 relating to the erection of a replacement bungalow.
3. P/2024/00312 - Land north of Station Lane and west of Walton on Trent: Application under Section 73 to vary Condition 2 of PA/28617/001 for the formation of the Walton-on-Trent Bypass to amend the alignment, level and height of the bypass and bridge over the River Trent to account for changes in predicted flood levels
4. P/2024/00313 - Land North of Station Lane and west of Walton on Trent: Development of new road layout to facilitate proposed amendments to bridge over the river Trent and Walton-on-Trent bypass

5. P/2024/01200 - 46 Meadow Rise: Erection of a first floor rear extension, new roof tiles to main house and replacement of tile hanging to front elevation with timber cladding
6. P/2024/01205 - 69 Arden Road: Erection of a single storey side extension
7. P/2024/01312 - Bank House, 85 Main Street: Felling of Ash tree (ash 1) due to die back

# Minutes of Parks & Open Spaces Committee Meeting, 29 January 2025

Small Meeting Room, Barton Village Hall

Members Present: -

Cllr J Taylor (Chair); Cllr E Sharkey; Cllr S Bedford; Cllr I Gilbey;

In attendance: S Rumsby (Clerk) (Minutes)

1. JPS: Grounds Contract. Cllrs Taylor and Sharkey had conducted a site walk around with JPS. Their 3% uplift in charges for the new season equates to £8.3k (POSC had budgeted for £8.5k).  
Winter work: Coppicing work is to be on the beds at the Church Lane boundary in Collinson Park. Some planting will be removed in the bed towards the brook to improve the sight line along the path from the Burial Ground to the Brook. It was easier for James Kerry to remove this with his digger when next on site (£200 quoted). Cutting back adjacent Collinson Road - overhanging branches will be cut back as they are interfering with the zip wire. This will be done in the winter work (at last year's contract price).  
Pocket Park – thinning on right hand side (Cedar Road) was last done two years ago. Short Lane side done last year. Middle section (Needwood Park) will be done this year, coppicing Hazel, Elder and Dog-rose under supervision. Some lower branch lifting to be done on the Birch trees. The Aspen tree on the Arden Road boundary needs some work – it is covered by a TPO so will need planning permission. Path maintenance, spraying, etc all outlined. Bulbs may need replenishing; to be reviewed in the Spring.  
Fishpond – the woodland near the junior school, planted to stop parking on the grass – the trip rail is deteriorating but no need to replace as the woodland has now taken over as the natural barrier. There is to be general tidying up and cutting back to keep paths clear around Potters Way/Gilmour Lane. Any cuttings on site will go into the chipper.  
Cllr Taylor asked if the contractors could be reminded not to leave grass cuttings as they go onto pegs. Similarly, Collinson Park – grass cuttings should be blown away from the toddler play area and any hard surfaces as they will damage the wet pour.  
Work sheets – these should go onto Dropbox. It was agreed that a site inspection should take place after visit to cross check what work has been done.  
We are in the last year of contract so would need to re-tender in time for the 2026 season. Cllrs confirmed they are happy with JPS so far.
2. Pocket Park: the Aspen tree at the front of the park is overgrown and needs a crown lift as it is restricting views into the park which is beneficial in allowing oversight of any activities on the site from neighbouring properties. Quotes to be obtained. It suffered some previous storm damage which needs re-examining and rectifying as necessary. Cllr Sharkey estimated this work should be in the region of £200-£300.
3. Toddlers Area: Gates – Cllr Taylor advised that James Kerry has the gates ready to install. The spec should be as per the design supplied for smart soft close gates. Quote was £4,410. Work to be prioritised from any remaining funds. Cllr Taylor was asked to obtain and forward to the clerk a copy of the invoice for the gates to check specification. The decision to award the work to JK Contracting had been previously minuted.
4. Jobs to be carried out:  
Benches for Collinson – in need of replacement. Cllr Taylor had net costings for 3 options, metal, wood and recycled plastic. Kits had been researched.

2 with backs, 9 without backs over 3 sites.

Metal £5,330

Wood £3,634

Recycled £3,590

Picnic table with 2 benches £1525 wood; plastic £555;

Cllr Taylor proposed that the Key Trust be approached for funding at circa £9k, dependent upon whether any other project proposals are in the pipeline. Cllr Sharkey to query with full council. Cllr Taylor to send links to websites for suppliers (Nortons and Broxap) for costing. Metal was not favoured due to the location's heavy use and subsequent ongoing maintenance requirements.

A hard standing grass grid area inside the gate to Collinson had been discussed in past - £5,250 quoted last year.

5. Ongoing Expenses. 2025/2026; budget was tight but any extras, external funding will be sought. Land Drainage final costs need to be clarified.  
Clerk recommended to earmark any funds left over from this year's P&OS budget for the toddler park gates. £5k of the original funding was intended for the gates so we cannot reapply for funding for this. Cllrs Taylor, Sharkey to check the wording of the £6k award from the Key Trust.
6. Drainage: Collinson Park. Cllrs Lord and Taylor had met with the contractor at Collinson Park. Final figures will be forwarded to Cllr Lord for the extra work as instructed.
7. Queens Copse ESBC owned. The suggested transfer to BPC was discussed - We had stipulated before any transfer could be considered, that the 3 problem trees would need to be removed. Would need an indemnity from ESBC to protect against any future root damage claims from neighbouring properties. It was recommended that for the time being we leave the ownership as is and BPC groundsman to trim ad hoc as and when required. He had trimmed the area twice last year (approx. 2.5 hours work each time).
8. AOB – future budgeting, all equipment in the main Collinson Park is now 15 years old. Cllr Sharkey felt we should start to build up a reserved fund for future replacement of kit. Action: Review the last annual inspection and look at including something in the budget for next year (26-27). Scope out costs for liability.  
Free trees, Wildlife Trust – Cllr Taylor advised that the criteria is to order a minimum size pack of 30 saplings: Silver Birch, Rowan, Wild Cherry – a tennis court size land is required and the location must be specified. Alternative pack is 15 native species, Crab Apple, Rowan, Hazel. Saplings are 20cm high and are self-supporting.  
Unfortunately we don't have the required space to plant either pack and had only wanted to replace failed Oaks at the Fishpond. It was decided therefore, not to take up this offer.  
ToR for Committees – Cllr Bedford asked if the ToR could be updated to include the wording about risks. The paragraph was read out and Clerk to forward revised version with the Minutes. All agreed to recommend this amendment for adoption.
9. Next meeting: tbc (before March full council meeting)



## Barton under Needwood Parish Council



Clerk to the Council / Responsible Financial Officer:

Siobhan Rumsby  
Parish Council Office  
Village Hall  
Crowberry Lane  
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### Parks & Open Spaces Committee Terms of Reference

Updated January 2025

#### Introduction

This Terms of Reference sets out the purpose of the Parks & Open Spaces Committee and how it will operate

#### Purpose of Committee

The Committee will ensure that the Council's Parks and Open Spaces are managed in accordance with legislation, statutory regulations and good horticultural, landscape and ecological practice in line with a Parks and Open Space Strategy adopted by the Parish Council setting out short, medium and long term goals.

To consider and make recommendations to full Council on the following:

1. Budget:
  - a. Between April and October assess requirements for expenditure on any maintenance items, e.g. equipment requiring non-urgent repair or replacement, any alteration to the maintenance regime likely to incur additional expenditure, proposal for any new equipment, any tree work
  - b. During October/November each year, prepare a budget for recommendation to the Finance Committee and Council for the following financial year.
2. Periodically, to assess the Budget for the current financial year and report to full Council to make recommendations on any amendments or variance required, especially in the case of any shortfall or potential overspend during the financial year
3. To prepare and keep under review at appropriate intervals a Green Spaces/Parks and Open Space Strategy and to carry out appropriate public consultation on such a document to inform the Parish Council's management and investment in its current Green Spaces and any future green spaces that may be acquired or leased.

4. To manage the maintenance of the Parish's Parks and Open Spaces through a detailed Term Contract let by competitive tender – normally for a 3 year term. Appoint a member of the Committee as the 'Contract Administrator' formally named under the Contract.

The Contract Administrator to ensure that:

- a. The Term Landscape Contractor attends site regularly and gives due notice of intended maintenance visits as detailed in the contract.
- b. Meet with the Contractor regularly as necessary to highlight any particular works required to be undertaken or to discuss quality of maintenance work.
- c. Give formal written notice to the Contractor of any additional works required or to instruct expenditure of any Provisional Sums in the Contract.
- d. Receive and check the Contractors monthly invoices and make any recommendation of acceptance for payment to the Parish Clerk.
- e. Conduct a formal 'mid-term' review with the Contractor at an agreed midpoint of the Contract in the summer.
- f. Carry out an 'end-of season' review with the Contractor before the end of October. Discuss and agree any potential amendments to the Contract Specification or Contract Terms and review any cost implications of these and make provision in the budget.

5. With regard to risks associated with Parks & Open Spaces, the Parks & Open Spaces Committee shall, on behalf of the Parish Council:

- a. Own and manage any risks arising from Parks & Open Spaces as recorded in the Parish Council's General Risk Assessment Document
- b. Identify and manage mitigating actions relating to the Parks & Open Spaces risks recorded in the General Risk Assessment Document

## Delegated Authority

To incur expenditure on behalf of the Council (where already provided within the agreed revenue budget and excluding any items incurring capital expenditure) on matters connected with the Council's role and functions in responding to the matters outlined above (*purpose*) and related issues.

**MEETINGS:** Schedule meetings as necessary – normally quarterly - to meet the deadlines set by the Council. After each meeting of the Committee, the Chairman will prepare minutes or a report to Full Council, outlining the activities of the group and including recommended courses of action or reports on appropriate issues for inclusion on the next agenda of the Parish Council.

**MEMBERSHIP:** To be drawn from members of the Council as required.

**QUORUM:** Three members

**CHAIRMAN:** The Chairman of the Committee shall be decided at the first meeting of the Committee in each new financial year by a simple majority. The Chairman shall be a Parish Councillor

**EXTERNAL ATTENDEES:** As required. The Chairman of the Committee may co-opt other members from time-to-time, who may be able to provide expertise or advice on particular issues, e.g. members of the

Police, East Staffs Borough Council Officers, Staffordshire County Council Youth and Community Service, etc.

**PUBLIC PARTICIPATION:** Meetings will be open to the public.

**WORKING PARTIES:** May be set up for specific time-limited tasks as required.

DRAFT

Barton under Needwood Parish Council	
	<p>Clerk to the Council:  Siobhan Rumsby  Parish Council Office  Village Hall  Crowberry Lane  Barton-under-Needwood  Burton upon Trent  DE13 8AF  01283 716059  <a href="mailto:clerk@bartonunderneedwood-pc.gov.uk">clerk@bartonunderneedwood-pc.gov.uk</a>  <a href="http://www.bartonunderneedwood-pc.gov.uk">www.bartonunderneedwood-pc.gov.uk</a></p>
<p>Fish Pond Sub-Committee Terms of Reference</p> <p>Adopted 6 February 2025</p>	

## Introduction

This Terms of Reference sets out the purpose of the Fish Pond Sub-Committee and how it will operate.

## Purpose of Sub-Committee

The purpose of the Sub-Committee is to manage the fish pond and its banks, fishing pegs, fish stocks, pumping station, aerator and sluice gate. Its aims are:

- To provide a well-managed recreational facility for the free use of the residents of Barton Under Needwood and Dunstall.
- By the use permits allow anglers from outside of the village to fish.

## Terms of Reference

Specific responsibilities of the Sub-Committee will be:

- To appoint and manage the Bailiffs.
- To review and update, when necessary, the Job Role of the Bailiffs and any other volunteers assisting with the management of the areas covered by the Fish Pond Sub-Committee.
- To establish, review and enforce the rules for angling.
- To budget for the operating and maintenance of these areas annually and submit this to the Parish Council each November.
- To then work within this budget and only seeking additional funds in exceptional circumstances.
- Collection and accounting for permit fees and remitting these to the Parish Clerk.
- Promoting the use of the facility particularly by young people.
- Implementing Environment Agency Fisheries Technical Officer's recommendations for pond husbandry.

- With regard to risks associated with the Fishpond, the Fishpond Committee shall, on behalf of the Parish Council:
  - Own and manage any risks arising from the Fishpond as recorded in the Parish Council's General Risk Assessment Document
  - Identify and manage mitigating actions relating to the Fishpond risks recorded in the General Risk Assessment Document

## Delegated Authority

To make decisions on behalf of the Parish Council in relation to the Terms of Reference set out above, subject to where appropriate:

- Regarding financial implications, in consultation with Finance Committee and/or Parish Council.
- Maintain strong links with Open Spaces Committee and HR Committee.
- Consult with the Parish Council on matters that are deemed significant enough.

**MEETINGS:** Schedule meetings as necessary.

**MEMBERSHIP:** To be drawn from members of the Council. Non councilors may be co-opted onto the sub-committee to contribute specialist knowledge and expertise in fishpond matters.

**QUORUM:** Three members.

**CHAIR:** The Chair of the Sub-Committee shall be decided at the first meeting of the Sub-Committee in each new financial year by a simple majority.

**PUBLIC PARTICIPATION:** Meetings will be open to the public.

**WORKING PARTIES:** May be set up for specific time-limited tasks as required.

A Meeting of **Barton-under-Needwood Parish Council HR Committee** was held on Tuesday 28<sup>th</sup> January 2025 at 3.00pm, in Barton Village Hall, Crowberry Lane, Barton under Needwood.



**Attendees:** Councillors Sally Bedford (Chair of Committee), Ed Sharkey, Steve Naylor, Chris Allcock, Lucy Lucas, Derek Lord (from 4.00pm), Siobhan Rumsby (Parish Clerk)

### **Apologies:**

#### **1. Attendance and apologies**

No apologies were received.

#### **2. Minutes of the previous meeting held on 10<sup>th</sup> December 2024**

The minutes of the previous meeting held on 10<sup>th</sup> December 2024 were duly accepted.

#### **3. Anti- terrorism Checklists for Events – Martyn’s Law**

Cllr Bedford agreed to share the checklist with the VEC chair for review at their next meeting for events. The Village Hall Committee were already working on this.

#### **4. SCC DPO Gap Analysis – outstanding actions**

Cllr Bedford to work through with the Clerk the outstanding Reds and blanks to be marked not applicable in their next 1 to 1.

#### **5. Policy Working Group**

1.1 Minutes from the previous Policy Working Group held on 15<sup>th</sup> November 2024 were shared and agreed. The chair apologised for sharing the wrong minutes with the papers.

##### **1.2 New Policies for Approval**

##### **1.2.1 Complaints Policy & Vexatious Complaints Policy (1 document) & Guidance**

Minor changes to be shared with Cllr Allcock to adopt prior to going the Parish Council meeting in February. Policy approved by HR Committee subject to these changes. *Last section should be removed before publication on the web-site.*

##### **1.2.2 Disciplinary Policy**

Cllr Allcock agreed to revise wording. Policy approved by HR Committee subject to these changes.

##### **1.2.3 Grievance Policy**

Cllr Allcock agreed to revise wording regarding who the policy applied to. Policy approved by HR Committee subject to these changes.

##### **1.2.4 Dignity at Work Policy including Civility & Respect (C&V) Pledge & Protocol**

Cllr Allcock to revise wording regarding Page 2 section 2 in the **policy**. Policy approved by HR committee subject to these changes.

**Pledge** wording in the recommended agenda item needed changing to read ‘Cllrs ‘will’ have training and other typos to be picked up by Cllr Allcock.

**Protocol** to be left as is regarding the term ‘Officers’.

Members welcomed the documents and agreed to approve the three documents in principle subject to changes by Cllr Allcock for approval by February Parish Council.

It was agreed that that the latest NALC Equality and Diversity Policy and the Equal Opportunities Policy need to be adopted by the Parish Council to support this work. To be actioned by the March HR meeting and approved at the March Parish Council. Cllr Bedford to share these with PWG members to get the work started.

### **1.3 Updated Policy Tracker**

The Clerk presented the updated tracker. The meeting agreed we were making good progress on the Reds.

Not all Committee terms of reference included the section agreed at the December Parish Council meeting to adopt the Risk Assessment wording. Cllr Bedford to propose POSC adopted this as AOB in their meeting on the 29<sup>th</sup> January. Those Committees who hadn't done so to be asked at their next meeting to do so before the end of the financial year. Clerk to amend each TOR highlighting insert and Cllr Bedford to share with each Chair.

It was agreed that all new Councillors should be asked to sign up to all policies of the Parish Council and that all Councillors would be asked at the start of the financial year to abide by the policies that were properly adopted. The Standing Orders should be amended to state that all Councillors shall abide by the policies properly adopted by the Parish Council – as well as the Financial Regulations, Code of Conduct and the Risk Assessments.

It was agreed to amend the Standing Orders to include;

- All committees should meet each quarter whether there was any business or not
- An acceptance form for all Councillors to be bound by policies and procedures that were properly adopted along with the Standing Orders, the Financial Regulations, Code of Conduct and the Risk Assessments.

### **6. AOB**

There was no other business raised.

### **7. Date of next meeting**

The date of the next meeting will be 4<sup>th</sup> March at 7pm.

### **8. Closed item – The Clerk's Appraisal and update re timesheets**

Cllr Bedford talked through the appraisal and the Clerk agreed she had found the process useful.

Cllr Bedford said the timesheets had been useful. The Clerk would stop doing hers at the next 1 to 1 on the 18<sup>th</sup> February. Cllr Bedford confirmed the Gardener had reduced his hours to 30 per week and was completing a timesheet weekly.



The meeting closed at 5.30pm

## Barton Under Needwood Parish Council


Information Governance Officer: Nikki Proctor

Parish/Town Council Representatives and Role: Siobhan



GDPR Check list Date: 18<sup>th</sup> June 2024

Data Flows			
Area of Enquiry	Evidence / Response	Comments / Recommendations	Completion Date
Have you conducted an information audit to map data flows.	<p>Council has not conducted a data flow map. We would recommend doing one for ease of use to identify where info may be held for Subject Access Requests and to assist with the completion of an Information Asset Register.</p>  <p>Sample Data Flow.doc</p>	<p>Information audits and data flows are different from an information asset register but help form the basis of it. It is a good idea to build an overview of where personal data is stored within the school and how this data flows in and out of the school.</p> <p>The key to an effective information audit is to understand why the information is being created as this is the framework on which everything else will be based.</p>	
Have you documented what personal data you hold, where it came from, who you share it with and what you do with it.	<p>Council have not started an Information Asset register. This needs to include all paper-based data i.e. Accident book, employee HR records etc</p>  <p>Sample Asset Register with examp</p>	<p>It is important for the council to maintain records of processing activities detailing what personal data it holds, where it came from, who they share it with and what they do with it. An information asset register is a good tool for doing this and for managing any information risks.</p> <p>Maintain records of processing activities detailing what personal data you hold, where it came from, who you share it with and what you do with it. This will vary depending on the size of your school</p> <ul style="list-style-type: none"> <li>➤ Ensure you have procedures to guide staff on how to manage information held.</li> </ul>	
Area of Enquiry	Evidence / Response	Comments / Recommendations	Completion Date
You should identify your lawful bases for processing and document them.	On Privacy Notice	<ul style="list-style-type: none"> <li>➤ Look at the various types of data processing you carry out;</li> <li>➤ Identify your lawful bases for carrying it out</li> <li>➤ Document it, for example in your privacy notice(s).</li> </ul>	




Area of Enquiry	Evidence / Response	Comments / Recommendations	
Have you reviewed how you ask for and record consent.	<p>Consent only required for anything which is not statutory i.e. Photographs, for any contact that could be deemed as 'marketing' or unsolicited.</p>  <p>Photograph Consent Form .pdf</p>	<ul style="list-style-type: none"> <li>➤ Check that consent is the most appropriate lawful bases for processing.</li> <li>➤ Make the request for consent prominent and separate from your terms and conditions.</li> <li>➤ Ask individuals to positively opt in.</li> <li>➤ Use unticked opt-in boxes or similar active opt-in methods.</li> <li>➤ Use clear, plain language that is easy to understand.</li> <li>➤ Specify why you want the data and what you're going to do with it.</li> <li>➤ Give granular options to allow individuals to consent separately to different types of processing wherever appropriate.</li> <li>➤ Name your Parish/Town Council and any specific third party organisations that will rely on this consent.</li> <li>➤ Tell individuals they can withdraw consent at any time and how to do this.</li> <li>➤ Ensure that individuals can refuse to consent without detriment.</li> <li>➤ Don't make consent a precondition of service.</li> </ul> <p>NB – Parish/Town Councils will at times rely on consent, for example, for the use of photographs on your website. You cannot rely on implied consent – it must be explicit. Consent is not always the most appropriate lawful basis to rely on.</p>	
Do you have systems in place to record and manage ongoing consent.	Council will set up a spreadsheet to do this.	<ul style="list-style-type: none"> <li>➤ Keep a record of when and how you got consent from the individual.</li> <li>➤ Keep a record of exactly what they are told at the time.</li> <li>➤ Regularly review consent to check that the relationship, processing and the purposes have not changed.</li> <li>➤ Have processes to refresh consent at appropriate intervals, including any parental consent.</li> <li>➤ Consider using privacy dashboards or other preference management tools as a matter of good practice.</li> <li>➤ Make it easy for individuals to withdraw their consent at any time and publicise how to do so.</li> <li>➤ Act on withdrawals of consent as soon as you can.</li> <li>➤ Don't penalise individuals who wish to withdraw consent.</li> <li>➤ If current consent doesn't meet the GDPR's high standards or is poorly documented, your Parish/Town Council will need to; <ul style="list-style-type: none"> <li>• seek fresh GDPR-compliant consent; or</li> <li>• identify a different lawful bases for your processing (and ensure continued processing is fair); or stop the processing.</li> </ul> </li> </ul>	
If your Parish/Town Council relies on consent to offer online services directly to children, you should have systems in place	N/A	<ul style="list-style-type: none"> <li>➤ Have a process in place to verify the age of an individual (to determine if they are 13 years old or under) to confirm if they are old enough to provide consent themselves;</li> </ul>	




to manage it.		<ul style="list-style-type: none"> <li>➤ If not relying on consent, identify the most appropriate lawful basis for the processing;</li> <li>➤ Document your lawful bases for processing; and</li> <li>➤ Obtain parent or guardian's consent or authority if you want to rely on consent as the lawful bases for your processing.</li> </ul>	
Area of Enquiry	Evidence / Response	Comments / Recommendations	
Is your Parish/Town Council registered with the Information Commissioners Office (ICO).	<p>Yes</p> <p>Parish has CCTV. Signs need to be displayed to state purpose i.e. For prevention and detection of crime.</p> <p>Also need to establish who is the owner / Data controller for all cameras as a data processing agreement may be needed if system is accessed by any CCTV deemed to be owned by the council.</p> <p>There are strict codes of practice that need to be adhered to.</p>	<ul style="list-style-type: none"> <li>➤ Exemption may change should you process data electronically</li> <li>➤ <a href="https://www.gov.uk/government/publications/update-to-surveillance-camera-code-of-practice">Update to Surveillance Camera Code of Practice - GOV.UK (www.gov.uk)</a></li> </ul>	
Area of Enquiry	Evidence / Response	Comments / Recommendations	
Have you made privacy notices readily available to individuals?	published on the website	<p>Your privacy notice should:</p> <ul style="list-style-type: none"> <li>➤ Let individuals know who you are, why you are processing their data and who you share it with.</li> <li>➤ Be concise and to the point.</li> <li>➤ Be easy to understand.</li> <li>➤ Be clearly signposted and easy to access.</li> <li>➤ Be written in clear and plain language, particularly if addressed to a child.</li> <li>➤ free of charge.</li> <li>➤ Include different information depending on whether you obtained the data directly from the individual or not; and</li> <li>➤ Be reviewed regularly to make sure it remains accurate and up to date.</li> </ul> <p>NB – The Department of Education provide a privacy notice template for you to amend to meet your needs.</p>	
If your Parish/Town Council offers online service directly to children, you should communicate privacy information in a way that a child will understand.	N/A	<p>Your privacy notice should:</p> <ul style="list-style-type: none"> <li>➤ Be concise, transparent, intelligible and easily accessible.</li> <li>➤ Be written in clear and plain language that can be understood by a child (age appropriate);</li> <li>➤ Explain the risks involved in the processing and the safeguards you have put in place;</li> <li>➤ Be free of charge; and</li> <li>➤ Be reviewed regularly to make sure it remains accurate and up to</li> </ul>	



		<p>date.</p> <p>NB - If you are relying upon parental consent as your lawful basis for processing it will be good practice to provide separate privacy notices aimed at both the child and the responsible adult.</p>	
Area of Enquiry	Evidence / Response	Comments / Recommendations	
<p>You should establish a process to recognise and respond to individuals' requests to access their personal data.</p>	<p>Council will put a process in place and will record requests on a spreadsheet. Have recommended devising a form to complete for any requests received.</p> <p>I have also advised that requests can be verbal and need to be logged from date of initial request even if a form is then given to complete.</p> <p>Have stressed the importance of raising awareness of potential SAR's to all staff and Councillors.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">   Subject Access Requests.pdf </div> <div style="text-align: center;">   Subject Access Requests.docx </div> </div>	<p>Despite volumes of requests potentially being minimal, councils will still need to be familiar individual's rights and how to respond to requests if they receive any. The council should ensure a process is in place to recognize and respond to any subject access requests within the required timescales (now one calendar month). This should include:</p> <ul style="list-style-type: none"> <li>• Creating a designated point where requests need to be submitted to (and advising staff and councillors that all requests need to be directed here)</li> <li>• Provide guidance to staff who will be processing requests (IGU can assist with this if required)</li> <li>• Create a standard form which requestors can use to assist them with submitting a request.</li> <li>• Put steps in place to obtain ID (if deemed required) before starting a request.</li> <li>• Establish a way of logging requests (to include requestor name, date received, deadlines, what's been asked for etc.)</li> <li>• Awareness of what data can and cannot be released as part of the request. (IGU can assist with this).</li> </ul> <p><b>NB – New time scale for responding to a Subject Access Request is 30 days unless the case is complex. For complex cases, you will have a further 2 months to respond. More information on this will be sent out as soon as possible.</b></p>	
<p>Do you have processes in place to ensure that the personal data it holds remains accurate and up to date.</p>	<p>Personal data is updated on relevant system by clerk.</p>	<ul style="list-style-type: none"> <li>➤ Implement procedures to allow individuals to challenge the accuracy of the information you hold about them and have it corrected if necessary;</li> <li>➤ Have procedures to inform any data processors (third parties) you have disclosed the information about the rectification where possible;</li> <li>➤ Create records management policies, with rules for creating and keeping records (including emails);</li> <li>➤ Conduct regular data quality reviews of systems and manual records you hold to ensure the information continues to be adequate for the purposes of processing (for which it was collected);</li> </ul>	

		<ul style="list-style-type: none"> <li>➤ Regularly review information to identify when you need to correct inaccurate records, remove irrelevant ones and update out-of-date ones; and</li> <li>➤ Promote and feedback any data quality trends to staff through ongoing awareness campaigns and internal training.</li> </ul>	
Do you have a process to securely dispose of personal data that is no longer required or where an individual has asked for it to be erased.	Have advised the council to list the relevant retention period against each data item in the Information Asset Register. Once past retention period, any confidential paper data needs to be shredded.	<ul style="list-style-type: none"> <li>➤ Have procedures in place which allow individuals to request the deletion or erasure of their information your Parish/Town Council holds about them where there is no compelling reason for its continued processing;</li> <li>➤ Have procedures to inform any data processors (third parties) you have shared the information with about the request for erasure;</li> <li>➤ Have procedures to delete information from any backup systems;</li> <li>➤ Implement a written retention policy or schedule to remind you when to dispose of various categories of data, and help you plan for its secure disposal;</li> <li>➤ Regularly review the retention schedule to make sure it continues to meet Parish/Town Council and statutory requirements;</li> <li>➤ Assign responsibility for retention and disposal to an appropriate person;</li> <li>➤ Have appropriate methods of destruction in place to prevent disclosure of personal data prior to, during and after disposal; and</li> <li>➤ If you use third parties to dispose of personal data ensure the contract includes the requirement for them to have appropriate security measures and the facility to allow you to undertake an audit.</li> </ul> <p>NB – the right to erasure is not an absolute right – Parish/Town Councils have a statutory obligation to process personal data.</p>	
Do you have procedures to respond to an individual's request to restrict the processing of their personal data.	This would be dependent on whether the processing is statutory. Anything non-statutory would require consent and individual can withdraw consent at any point.	<ul style="list-style-type: none"> <li>➤ Review your procedures to determine where you may be required to restrict the processing of personal data;</li> <li>➤ Implement a process that will enable individuals to submit a request to you;</li> <li>➤ Have a process to act on an individual's request to block or restrict the processing of their personal data;</li> <li>➤ Have procedures to inform any data processors (third parties) you have shared the information with, if possible; and</li> </ul> <p>Inform individuals when you decide to lift a restriction on processing.</p>	
Do you have processes to allow individuals to move, copy or transfer their personal data from one IT environment to another in a safe and secure way, without hindrance to usability.	Council made aware	<ul style="list-style-type: none"> <li>➤ Implement a process that will enable individuals to submit a request to you;</li> <li>➤ Have a process to allow you to recognise and respond to any individual requests in line with your legal obligations and statutory timescales;</li> <li>➤ Provide the personal data in a structured, commonly used and machine readable format;</li> <li>➤ Ensure that the medium in which the data is provided has</li> </ul>	



		<p>appropriate technical measures in place to protect the data it contains; and</p> <ul style="list-style-type: none"> <li>➤ Ensure that the medium in which the data is provided allows individuals to move, copy or transfer that data easily from one organisation to another without hindrance.</li> </ul>	
Do you have procedures to handle an individual's objection to the processing of their personal data.	This would be dependent on whether the processing is statutory. Anything non-statutory would require consent and individual can withdraw consent at any point.	<ul style="list-style-type: none"> <li>➤ Review your processes and privacy notice(s) to ensure they inform individuals of their right to object "at the point of first communication". This information should be displayed or given clearly and separately from any other information;</li> <li>➤ Implement a process that will enable individuals to submit an objection request (this could include an online option);</li> <li>➤ Have processes in place to investigate an individual's objection to the processing of their personal data within the legitimate grounds outlined within the GDPR; and</li> <li>➤ Provide training or raise awareness amongst your staff to ensure they are able to recognise and respond (or know where to refer the request to) to an objection raised by an individual.</li> </ul>	
You need to identify whether any of your processing operations constitute automated decision making and have procedures in place to deal with the requirements.	N/A	<ul style="list-style-type: none"> <li>➤ Identify whether any of your processing operations constitute automated decision making;</li> <li>➤ Ensure that within any automated processing or decision making you undertake individuals are able to obtain human intervention, express their point of view and obtain an explanation of the decision and challenge it;</li> <li>➤ Implement appropriate safeguards when processing personal data for profiling purposes; and</li> <li>➤ Ensure that any automated decisions do not contravene the restrictions outlined within Article 9(2) of the GDPR.</li> </ul> <p>NB – it is highly unlikely that Parish/Town Councils will rely on automated decisions.</p>	
Data Protection			
Area of Enquiry	Evidence / Response	Comments / Recommendations	Completion Date
Do you have an appropriate data protection policy.	<p>No. A policy will be written and scheduled to be reviewed annually and approved by councillors.</p>  <p>Data Protection Policy Checklist v1.0.rt</p> <p>SCC have developed a checklist which can be used reviewing policies, this includes all the key elements which should be included within a DP policy.</p>	<p>You should have a standalone policy statement or general staff policy that:</p> <ul style="list-style-type: none"> <li>➤ Sets out your Parish/Town Council's approach to data protection together with responsibilities for implementing the policy and monitoring compliance;</li> <li>➤ Aligns with and covers the measures within this checklist as a minimum;</li> <li>➤ Is approved by management, published and communicated to all staff; and</li> <li>➤ Is reviewed and updated at planned intervals or when required to ensure it remains relevant.</li> </ul>	

You should monitor your own compliance with data protection policies and regularly review the effectiveness of data handling and security controls.	Will consider doing a checklist and carry out checks to ensure compliance with data protection policy.	<ul style="list-style-type: none"> <li>➤ Establish a process to monitor compliance to the policies;</li> <li>➤ Regularly test the measures that are detailed within the policies to provide assurances that they continue to be effective;</li> <li>➤ Ensure that responsibility for monitoring compliance with the policies is independent of the persons implementing the policy, to allow the monitoring to be unbiased; and</li> </ul> <p>Report any results to senior management.</p>	
Have you provided data protection awareness training for all staff.	No. I have stressed the importance of training and awareness for all staff and Councillors. Advised to do annual refresher training. Training should also be added to the induction for new starters.	<p>Staff should be aware of their responsibilities under data protection law – i.e. what they should and shouldn't do with data and the implications.</p> <ul style="list-style-type: none"> <li>➤ Provide induction training on or shortly after appointment;</li> <li>➤ Update all staff at regular intervals or when required (for example, intranet articles, circulars, team briefings and posters); and</li> <li>➤ Provide training for staff.</li> </ul> <p>NB – IGU provide training for councils as part of the SLA in Data Protection and Information Security.</p>	
Decision makers and key people in your Parish/Town Council should demonstrate support for data protection legislation and promote a positive culture of data protection compliance across the Parish/Town Council.	Annual reviews should take place so that everyone knows their responsibility to support data protection and to maintain compliance.	<ul style="list-style-type: none"> <li>➤ Clearly set out your Parish/Town Council's approach to data protection and assign management responsibilities;</li> <li>➤ Ensure you have a policy framework and information governance strategy in place to support a positive data protection and security culture which has been endorsed by management;</li> <li>➤ Assess and identify areas that could cause data protection or security compliance problems and record these on your Parish/Town Council's risk register;</li> <li>➤ Deliver training which encourages personal responsibility and good security behaviours; and</li> <li>➤ Run regular general awareness campaigns across your Parish/Town Council to educate staff on their data protection and security responsibilities and promote data protection and security awareness and compliance.</li> </ul> <p>NB – an example would be to ensure all portable media that contains personal or sensitive data is encrypted</p>	
You need to nominate a data protection contact and advise the DPO.	Clerk - Siobhan	<ul style="list-style-type: none"> <li>➤ Designate responsibility for data protection contact to a suitable individual who can liaise with the DPO</li> <li>➤ Support the appointed individual through provision of appropriate training;</li> <li>➤ Ensure there are appropriate reporting mechanisms in place between the individual responsible for data protection contact and senior management;</li> </ul>	

Data Processor Contracts			
Area of Enquiry	Evidence / Response	Comments / Recommendations	Completion Date
Do you have a written contract with any data processors you use.	<p>Made aware of procedure</p> <div>   </div> <p>Third Party Contractors v1.0.pdf      Data Processor Contracts.pdf</p>	<ul style="list-style-type: none"> <li>➤ Ensure that whenever your Parish/Town Council uses a processor (a third party who processes personal data on your behalf) there is a written contract in place;</li> <li>➤ Check both new and existing contracts now include certain specific terms, as a minimum, to ensure that processing carried out by a processor meets all the requirements of the GDPR (not just those related to keeping personal data secure);</li> <li>➤ Determine whether it would be applicable to use standard contractual clauses from the EU Commission or a supervisory authority (such as the ICO) once drafted;</li> </ul> <p>Investigate whether there are any approved codes of conduct or certification schemes that may be used to help you demonstrate that you have chosen a suitable processor.</p>	
Information Risks			
Area of Enquiry	Evidence / Response	Comments / Recommendations	Completion Date
You should manage information risks in a structured way so that management understands the impact of personal data related risks and manages them effectively.	<p>Advised to add risks onto information asset register. Good practice to make backups for failure of hard drive etc.</p>	<p>Establish a clearly communicated set of security policies and procedures, which reflect school objectives and assign responsibilities to support good information risk management;</p> <p>The information asset register and data maps are a good tool for understanding what data you hold, where it goes, how it is held and can assist you in identifying and assessing any potential risks.</p> <ul style="list-style-type: none"> <li>➤ Ensure there are processes in place to analyse and log any identified threats, vulnerabilities, and potential impacts which are associated with your Parish/Town Council activities and information (risk register); and</li> <li>➤ Apply controls to mitigate the identified risks within agreed appetites and regularly test these controls to ensure they remain effective.</li> </ul>	
Have you implemented appropriate technical and organisational measures to integrate data protection into your processing activities.	<p>Council needs to write a Data Protection Policy.</p> <div>  </div> <p>Data Protection Policy Checklist v1.0.rt</p>	<p>Policies and procedures in the council will need to reflect changes (such as making staff aware they should only use encrypted USB devices, standards expected when working from home etc. These could form part of an Acceptable Use Policy (AUP).</p> <p>Look to continually minimize the amount and type of data you collect, process and store and ensure you are only recording what is necessary for the intended purpose.</p>	
Do you understand when you must conduct a Data Protection Impact Assessment (DPIA) and have processes in place to action this.	<p>Yes, advice on this given during the meeting.</p>	<p>Data Protection Impact Assessments are only required when you are considering doing something new with data which may have an impact on the data subject's privacy, or for using data for a different purpose to why it was initially collected.</p> <p>IGU can supply you with a guidance sheet and issue you will further advice</p>	

		which outlines what is required for a Data Protection Impact Assessment.	
Information Security			
Area of Enquiry	Evidence / Response	Comments / Recommendations	Completion Date
Do you have an information security policy supported by appropriate security measures.	<p>Council needs to write an Information Security Policy and . an AUP (Acceptable Use Policy). I have stressed the importance of it and ensuring that all staff sign an AUP.</p> <p> AUP-July-2015(a).pdf</p> <p> Info Security Policy v1.0.pdf</p>	<p>An information security policy should cover key information security topics such as network security, physical security, access controls, secure configuration, patch management, email and internet use, data storage and maintenance and security breach / incident management;</p> <p>The council should consider Implementing periodic checks for compliance with policy, to give assurances that security controls are operational and effective; and deliver regular staff training on all areas within the information security policy.</p> <p>SCC has produced a checklist which the council could use when reviewing the policy:</p> <ul style="list-style-type: none"> <li>➤ Develop, implement and communicate an information security policy;</li> <li>➤ Ensure the policy covers key information security topics such as network security, physical security, access controls, secure configuration, patch management, email and internet use, data storage and maintenance and security breach / incident management;</li> <li>➤ Implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, in accordance with your security policy</li> <li>➤ Implement periodic checks for compliance with policy, to give assurances that security controls are operational and effective; and</li> </ul> <p>Deliver regular staff training on all areas within the information security policy.</p>	n/a Covered in Data Protection Policies
Your Parish/Town Council should ensure an adequate level of protection for any personal data processed by others on your behalf that is transferred outside the European Economic Area (EEA).	N/A - Aware	<ul style="list-style-type: none"> <li>➤ Ensure that any data you transfer outside the EU is handled in compliance with the conditions for transfer set out in Chapter V of the GDPR;</li> <li>➤ Ensure that there is adequate safeguards and data security in place, that is documented in a written contract using standard data protection contract clauses; and</li> <li>➤ Implement measures to audit any documented security arrangements on a periodic basis.</li> </ul>	



Data Breaches			
	Evidence / Response	Comments / Recommendations	Completion Date
Do you have effective processes to identify, report, manage and resolve any personal data breaches.	<p>Council will implement a process to report breaches and will use a spreadsheet to log any that are reported. It is important that all staff and councillors are aware of the process and are encouraged to report all breaches.</p> <p>Attached template to fill out for a breach in order to get all the information to assist with a breach investigation.</p> <div>  Data Breaches for Councils v1.0.pdf  Information Security Form - Template Coui </div>	<p>The council should ideally have a documented process which details what they do in the event of a data breach and how security incidents are identified, reported, and handled.</p> <p>Areas to consider:</p> <ul style="list-style-type: none"> <li>➤ Train staff how to recognize and report breaches</li> <li>➤ Have a process to report breaches to the appropriate individuals as soon as staff become aware of them, and to investigate and implement recovery plans;</li> <li>➤ Put mechanisms in place to assess the likely risk to individuals and then, if necessary, notify individuals affected and report the breach to DPO</li> <li>➤ Monitor the type, volume and cost of incidents to identify trends and help prevent recurrences.</li> </ul> <p><b>NB – high level breaches must be reported to the ICO within 72 hours. IGU can supply further information on breaches and can advise schools that experience a breach.</b></p>	
	Evidence / Response	Comments / Recommendations	Completion Date

Additional Notes/Comments

# BARTON UNDER NEEDWOOD PARISH COUNCIL



## COMPLAINTS POLICY

Including — **APPENDIX 1 - POLICY FOR DEALING WITH ABUSIVE, PERSISTENT OR VEXATIOUS COMPLAINTS AND COMPLAINANTS**

Prepared by: Previous Council Policy

Reviewed by: Human Resources Committee

Approved for recommendation to Full Council by: Human Resources Committee

Reviewed and adopted by: Full Council

Meeting dated ..... Minute number .....

Signed by Chair of the Parish Council .....

Next Review: February 2026

## **1. DEFINITION**

Barton under Needwood Parish Council (BPC) uses the Local Government Ombudsman's (LGO) definition of a complaint, which is accepted by National Association of Local Councils (NALC):

'A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.'

In accordance with NALC/LGO guidelines, BPC will try to ensure that their Complaints Procedure is:

- well publicised and easy to use;
- helpful and receptive;
- not adversarial;
- fair and objective;
- based on clear procedures and defined responsibilities;
- quick, thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;
- sensitive to the special needs and circumstances of the complainant;
- adequately resourced;
- fully supported by Councillors and Officers; and
- regularly analysed to spot patterns of complaint and lessons for service improvement.

This policy also covers dealing with abusive, persistent or vexatious complaints, identifying 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 the Council policy for ways of responding to these situations. – see Appendix 1.

## **2.CONFIDENTIALITY**

The LGO/NALC advises that the identity of a complainant should only be made known to those who need to consider a complaint. BPC will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

## **3. COMPLAINTS PROCEDURE**

The procedure set out in this in this policy is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the following way:

- Complaints against members of BPC through East Staffordshire Borough Council's Monitoring Officer.
- Complaints against members of staff – through the internal BPC Staff Appraisal Protocol and Policy.

The following procedure is designed for those complaints which cannot be satisfied by less formal measures, or explanations provided to the complainant by the Parish Clerk or the Chair of the Parish

Council. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

All formal complaints will be considered by the HR Committee meeting followed up, if necessary, by a full Council meeting established for the purpose of considering the complaint.

#### **4. BEFORE THE COMPLAINT MEETING**

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Parish Clerk.
2. If the complainant does not wish to put the complaint to the Parish Clerk, he/she/they should be advised to address it to the Chair of the Parish Council.
3. The Parish Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by a meeting of the HR Committee or by the Council. The complainant should also be advised whether the complaint will be treated as confidential.
4. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

#### **5. AT THE COMPLAINT MEETING**

1. The Chair to introduce everyone and explain the procedure.
2. If a full Council meeting the Chair will consider whether the circumstances of the meeting warrant the exclusion of the public and the press.
3. The complainant (or representative) to outline the grounds for complaint.
4. Members to ask any questions of the complainant.
5. If relevant, the Chair or Parish Clerk to explain the council's position.
6. Members to ask any questions of the Chair or Parish Clerk. The complainant to be offered the opportunity to summarise their position.
7. The complainant will be asked to leave the room while Members decide whether or not valid grounds for the complaint have been made (if a point of clarification is necessary, the complainant to be invited back).
8. The Complainant will return to hear the decision, or to be advised when decision will be made.

## **6. AFTER THE COMPLAINT MEETING**

1. The decision will be confirmed in writing within seven working days of being made together with details of any follow up action(s) to be taken.
2. Any decision on a complaint will be announced at a full Council meeting in public.

## **A 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. The following clauses form the Council policy for ways of responding to these situations.

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 complaints 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 definitions of habitual or vexatious complainants will be used:

*The repeated and/or obsessive pursuit of:*

*(1) unreasonable complaints and/or unrealistic outcomes;  
and/or*

*(2) reasonable complaints in an unreasonable manner.*

2.2 Prior to determining an individual is either a habitual or vexatious complainant, 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 staff and Communications 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 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. Councillors 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 The Council defines 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 complaints 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 Policy 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 e- mails)

- 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 or publish their complaints in other forms of media
- 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 expect 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
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a '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, other public bodies 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 or other persons 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 The 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 Chair of the Council and Chair of the Communications Committee prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, 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 Council in future will be restricted. The Clerk will make this decision in consultation with the Chair of the Council and the Chair of the Communications 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 over which that the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Full Council Meeting.

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 e.g. a solicitor, a Councillor or a friend acting on their behalf
- banning the complainant from sending emails to individuals and/or all Councillors and insisting they only correspond by postal 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 the 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 has been 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 Chair of the Council and the Chair of the Communications 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, e.g. 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, the Chair of the Council in conjunction with the Chair of the Communications 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 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, the Chair of the Council and the Chair of the Communications Committee, after three months, and at the end of every subsequent three months within the period during which the policy is to apply, or by the next Full Council Meeting.

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, or any other person who so aids the complainant
- when the restrictions came into force and ends
  - what the restrictions are
- when the person and Council were advised.

7.2 Full Council be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

# BARTON UNDER NEEDWOOD PARISH COUNCIL



## GRIEVANCE POLICY

Prepared by: Cllr Sally Bedford

Reviewed by: Human Resources Committee

Approved for recommendation to Full Council by: Human Resources Committee

Reviewed and adopted by: Full Council

Meeting dated ..... Minute number .....

Signed by Chair of the Parish Council .....

Next Review: February 2026

# GRIEVANCE POLICY

## Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>).
2. It also takes account of the ACAS guide on discipline and grievances at work. ([https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf) ).
3. It also takes into account relevant law affecting Councils.
4. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
5. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
6. This policy confirms:
  - employees have the right to be accompanied or represented at a Grievance Meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance.
  - The companion will be permitted to address the Grievance/Appeal meetings, to present the employee's case for their grievance/appeal and to confer with the employee.
  - The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.
  - the Council will give employees reasonable notice of the date of the Grievance/Appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date.
  - any changes to specified time limits must be agreed by the employee and the Council.
  - an employee has the right to appeal against the decision about their grievance. The appeal decision is final.
  - information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records

will be held by the Council in accordance with the General Data Protection Regulations (GDPR).

- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition.
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure.
- if a grievance is not upheld, no disciplinary action will be taken against an employee if they raised the grievance in good faith.
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties.
- Employees can only use all stages of the grievance procedure if the complaint is not a Code of Conduct complaint about a Councillor. Employees can use the informal stage of the Council's grievance procedure (paragraph 7) to deal with all grievance issues, including a complaint about a Councillor. Employees cannot use the formal stages of the Council's grievance procedure for a Code of Conduct complaint about a Councillor.
- If the complaint about the Councillor is not resolved at the informal stage, the employee can contact the Monitoring Officer of East Staffordshire Borough Council Council] who will inform the employee whether or not the complaint can be dealt with under the Code of Conduct. If it does not concern the Code of Conduct, the employee can make a formal complaint under the Council's grievance procedure (paragraphs 8 & 9).
- the Council may engage external investigators, grievance or appeal panels for the purposes of the process.
- If the grievance is a Code of Conduct complaint against a Councillor, the employee cannot proceed with it beyond the informal stage of the Council's grievance procedure. However, whatever the complaint, the Council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and Councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination.
- If an employee considers that the grievance concerns their safety within the working environment, whether or not it also concerns a complaint against a Councillor, the employee should raise these safety concerns with their line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its Health and Safety Policy or its Dignity at Work Policy) and in accordance with the code of conduct regime.

### **Informal Grievance Procedure**

7. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with their manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with their

manager (for example, because it concerns the manager), the employee should contact the Chair of the HR Committee or, if appropriate, another member of the HR Committee. If the employee's complaint is about a Councillor, it may be appropriate to involve that Councillor at the informal stage. This will require both the employee's and the Councillor's consent.

### **Formal Grievance Procedure**

8. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a Code of Conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chair of the HR Committee.
9. The HR Committee will appoint a Grievance Panel of three members to hear the grievance in the event that the grievance is raised by or relates to the Clerk. Where the grievance is not raised by or relates to the Clerk, the HR Committee may appoint the Clerk to hear the Grievance. The Grievance Panel will appoint a Chair from one of its members. No Councillor with direct involvement in the matter shall be appointed to the Grievance Panel.

### **Investigation**

10. If the Grievance Panel decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an Investigator to carry out an investigation before the Grievance Meeting to establish the facts of the case. The Investigator may be an appropriate employee, Councillor or external party determined by the HR Committee. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, Councillors or members of the public).
11. The Investigator will summarise their findings (usually within an investigation report) and present their findings to the Grievance Panel.

### **Notification**

12. Within 14 calendar days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a Grievance Panel meeting. The written notification will include the following:
  - the names of the Panel Chair and other members
  - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 35 calendar days of when the Council received the grievance
  - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
  - a copy of the Council's Grievance Policy
  - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of their witnesses as soon as possible before the meeting
  - confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice

- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

### **The Grievance Panel Meeting**

#### **13. At the Grievance Panel Meeting:**

- the Chair will introduce the members of the Grievance Panel to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chair will ask the employee questions about the information presented and will want to understand what action do they want the Council to take
- any member of the Grievance Panel and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- the meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the Grievance Panel .

#### **14. The Chair will provide the employee with the Grievance Panel's decision, in writing, usually within 7 calendar days of the meeting though may be longer e.g. where further investigations are required. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.**

### **The Appeal**

#### **15. If an employee decides that their grievance has not been satisfactorily resolved by the Grievance Panel, they may submit a written appeal to the Chair of HR Committee. An appeal must be received within 7 calendar days of the employee receiving decision and must specify the grounds of appeal.**

#### **16. Appeals may be raised on a number of grounds, e.g.:**

- a failure by the Council to follow its Grievance Policy
- the decision was not supported by the evidence
- the action proposed by the Grievance Panel was inadequate/inappropriate
- new evidence has come to light since the Grievance Panel meeting.

#### **17. The appeal will be heard by a panel of three members of the HR Committee who have not previously been involved in the case. There may be insufficient members of the HR Committee who have not previously been involved. If so, the Appeal Panel will be a committee of three Council members who may include members of the HR Committee. The Council may engage external parties if there are insufficient Councillors to form the panel. The Appeal Panel will appoint a Chair from one of its members.**

#### **18. The employee will be notified, in writing, usually within 14 calendar days of receipt of the appeal, of the time, date and place of the appeal meeting. The meeting will normally take place within 35 calendar days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.**

19. At the Appeal Panel meeting, the Chair will:
  - introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Grievance Panel
  - explain the action that the Appeal Panel may take.
20. The employee (or companion) will be asked to explain the grounds of appeal.
21. The Chair will inform the employee that they will receive the decision and the Panel's reasons, in writing, and when they are likely to receive the letter. This may be within 14 calendar days of the appeal meeting, however will be longer where further investigations are required.
22. The Appeal Panel may decide to uphold the decision of the HR Committee or substitute its own decision.
23. The decision of the Appeal Panel is final.



# **BARTON UNDER NEEDWOOD PARISH COUNCIL**



## **DISCIPLINARY POLICY**

**Prepared by: Cllr Sally Bedford**

**Reviewed by: Human Resources Committee**

**Approved for recommendation to Full Council by: Human Resources Committee**

**Reviewed and adopted by: Full Council**

**Meeting dated .....Minute number .....**

**Signed by Chair of the Parish Council .....**

**Next Review: February 2026**

# DISCIPLINARY POLICY

## Introduction

- 1 This policy is based on and complies with the 2015 ACAS Code of Practice (<http://www.acas.org.uk/index.aspx?articleid=2174>).
- 2 It also takes account of the ACAS guide on discipline and grievances at work. [https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)
- 3 The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
- 4 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 5 This policy confirms:
  - informal coaching and supervision will be considered, where appropriate, to improve conduct and / or attendance
  - the Council will fully investigate the facts of each case
  - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. The disciplinary policy will only be used when performance management proves ineffective. For more information see ACAS "Performance Management" at <https://www.acas.org.uk/index.aspx?articleid=6608>
  - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
  - employees may be accompanied or represented by a companion – a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting.
  - The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
  - the Council will give employees reasonable notice of any meetings in this procedure. The employee must make all reasonable efforts to attend. Failure to attend any meeting may still result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions

- if the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within 7 calendar days of the original meeting date unless it is unreasonable not to propose a later date
- any changes to specified time limits in the Council's policy must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary decision. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary policy raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include a written warning, final written warning or dismissal
- this policy may be implemented at any stage if the employee's alleged misconduct warrants this
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it,
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the consent of affected parties

## **Examples of Misconduct**

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

- refusal to follow reasonable instructions
- breach of Health and Safety Policy

### **Examples of Gross Misconduct**

7 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct: The list is not exhaustive

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

### **Suspension**

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

### **Examples of Unsatisfactory Work Performance**

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

- unsatisfactory communication skills.

## **The Procedure**

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

## **Disciplinary Investigation**

- 15 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 16 If a formal disciplinary investigation is required, the Council's HR Committee will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent of the HR Committee and will normally be a Councillor. If the HR Committee considers that there are no Councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint an Investigator from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The HR Committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
  - the allegations or events that the investigation is required to examine
  - whether a recommendation is required
  - how the findings should be presented. For example, an Investigator will often be required to present the findings in the form of a written report
  - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 17 The Investigator will be asked to submit their findings usually within 35 Calendar days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an Investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 25).

- 18 The HR Committee will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet the Investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that they have reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's Disciplinary Policy. The Council will also inform the employee that when they meet with the Investigator they will have the opportunity to comment on the allegations of misconduct.
- 19 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 20 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 21 The Investigator has no authority to take disciplinary action. Their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the HR Committee whether or not disciplinary action should be considered under the policy.
- 22 The Investigator's report will contain their recommendations and the findings on which they were based. They will recommend either:
  - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
  - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally, or
  - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 23 The Investigator will submit the report to the HR Committee which will decide whether further action will be taken.
- 24 If the HR Committee decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **The Disciplinary Panel Meeting**

- 25 If the HR Committee decides that there is a case to answer, it will appoint a Disciplinary Panel of three councillors, to formally hear the allegations. The Disciplinary Panel will appoint a Chair from one of its members. The Investigator shall not sit on the Disciplinary Panel.
- 26 No Councillor with direct involvement in the matter shall be appointed to the Disciplinary Panel. The employee will be invited, in writing, to attend the meeting. The Disciplinary Panel's letter will confirm the following:

- the names of its Chair and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the information provided to the Disciplinary Panel which may include the investigation report, supporting evidence and a copy of the Council's Disciplinary Policy
- the time and place for the meeting. The employee will be given reasonable notice of the hearing so that they have sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least 2 working days before the meeting
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

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

- the Chair will introduce the members of the Panel to the employee and explain the arrangements for the hearing
- the Chair will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
- the Chair will invite the employee to present their account
- the employee (or the companion) will set out their case and present evidence (including any witnesses and/or witness statements)
- any member of the Disciplinary Panel and the employee (or the companion) may question the Investigator and any witness
- the employee (or companion) will have the opportunity to sum up

28 The Chair will provide the employee with the Disciplinary Panel's decision with reasons, in writing, within 7 calendar days of the meeting. The Chair will also notify the employee of the right to appeal the decision.

29 The meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the Panel.

### **Disciplinary Action**

30 If the Disciplinary Panel decides that there should be disciplinary action, it may be any of the following:

#### First Written Warning:

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

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

#### Final Written Warning:

- 32 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:
- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
  - that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
  - the employee's right of appeal
  - that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for a specified period of time (e.g. 12 months).

#### Dismissal:

- 33 The Council may dismiss:
- for gross misconduct
  - if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
  - if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.
- 34 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, they will receive a written statement of the reasons for their dismissal, the date on which the employment will end and details of their right of appeal.

#### No Action:

- 35 If the Disciplinary Panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

### **The Appeal**

- 36 An employee who is the subject of disciplinary action will be notified of the right of appeal. Their written notice of appeal must be received by the Council within 7



calendar days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

- 37 The grounds for appeal include;
- a failure by the Council to follow its Disciplinary Policy
  - the Disciplinary Panel's disciplinary decision was not supported by the evidence
  - the disciplinary action was too severe in the circumstances of the case
  - new evidence has come to light since the Panel meeting.
- 38 Where possible, the appeal will be heard by a panel of three members of the HR Committee who have not previously been involved in the case. There may be insufficient members of the HR Committee who have not previously been involved. If so, the Appeal Panel will be a committee of three members of the Council who may include members of the HR Committee. The Appeal Panel will appoint a Chair from one of its members.
- 39 The employee will be notified, in writing, within 14 calendar days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that they may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- 40 At the Appeal Panel meeting, the Chair will:
- introduce the Panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
  - explain the action that the appeal panel may take.
- 41 The employee (or companion) will be asked to explain the grounds for appeal.
- 42 The Chair will inform the employee that they will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
- 43 The Appeal Panel may decide to uphold the disciplinary decision of the HR Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 44 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 45 The Appeal Panel's decision is final.



## DIGNITY AT WORK POLICY

Prepared by: Cllr Sally Bedford

Reviewed by: Human Resources Committee

Approved for recommendation to Full Council by: Human Resources Committee

Reviewed and adopted by: Full Council

Meeting dated .....Minute number .....

Signed by Chair of the Parish Council .....

Next Review: February 2026

Barton under Needwood Parish Council (BPC) believes that civility and respect are important in the working environment, and expect all Councillors, officers and the public to be polite and courteous when working for, and with the Council.

### 1. Purpose

BPC is committed to creating a working environment where all Council employees, Councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

In support of this objective, BPC has signed up to the Civility and Respect Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behavior, speech, and in the written word.

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed. However, the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### 2. Scope

This policy covers bullying and harassment of and by Clerks/Councillors and all employees engaged to work at BPC. Should agency staff, or contractors have a complaint connected to their engagement with BPC this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the Chair of the Council the complaint should be raised to the Vice Chair or Human Resources (HR) Committee.

Agency staff, or contractors are equally expected to treat Council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there is evidence of harassment or bullying.

Complaints about other employment matters will be managed under the Council's Grievance Policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, Councillor): however, the Council will take appropriate action if any of its employees are bullied or harassed by employees, Councillors, members of the public, suppliers or contractors.

### 3. The Position on Bullying and Harassment

All staff and Council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. BPC will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation

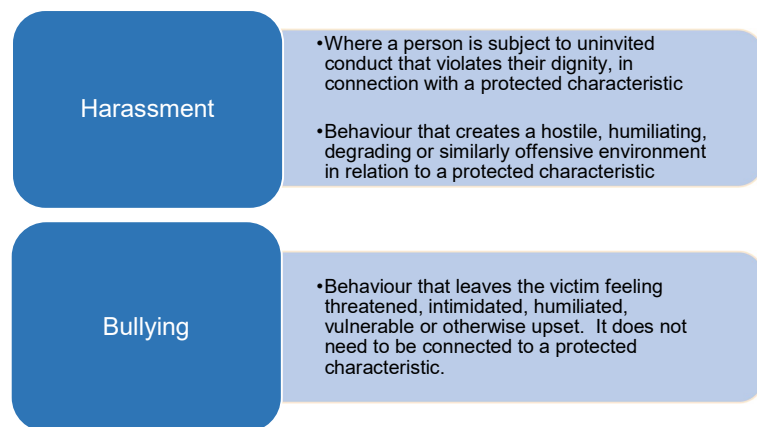
against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the Code of Conduct, Civility and Respect Pledge, Equality Opportunities Policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the Grievance Policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the Council's Disciplinary or Complaints Policy.



#### 4. What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic ( such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the Council's Equality and Diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

## 5. Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## 6. Reporting Concerns

**What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague):** If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the Clerk or a Councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

**What you should do if you feel you are being bullied or harassed by a Councillor:** If you are being bullied or harassed by a Councillor, please raise this with the Clerk or the Chair of the Council. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillor's Code of Conduct must be investigated by the Monitoring Officer.

The Council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

**What you should do if you witness an incident you believe to be harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the Clerk or a Councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you are being bullied or harassed by another member of staff:** If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

### Informal Resolution:

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the Council's policy and must stop. Alternatively, you may wish to ask the Clerk, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the Chair of the Council. (If your concern relates to the Chair, you should raise it with the Chair of the HR Committee). The Chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the Council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

### Raising a Formal Complaint:

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the Council's Grievance Policy. You should raise your complaint to the Clerk

or the Chair of the Council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the Chair of the Council will appoint someone to investigate your complaint in line with the Grievance Policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillor's Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

## 7. The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate using our Disciplinary Procedure. We will keep you informed of the outcome.

## APPENDIX

### **GUIDANCE FOR USING THE DIGNITY AT WORK POLICY (To be removed before publication)**

This is an example of an employment policy designed for a Council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with Council employees.

The Dignity at Work Policy will replace any previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

The Policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A Council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that - examples. This should not be considered an exhaustive list.

#### **Notes:**

#### **Protected Characteristics**

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.

- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal

#### Legal Risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

#### Culture and Behaviour

We work in eclectic communities and working environments, and a positive culture within the Council enables employees with different backgrounds and beliefs to share ideas and shape how the Council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from

the perpetrator or others). The Council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The Council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the Council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

#### Scope

All Council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

#### Managers

Recognising that Councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the Clerk, another employee of the Council, or a Councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for Council employees this may be the clerk/chief officer, and for the Clerk this could be the Chair/Deputy Chair, or possibly Chair of the HR Committee.

#### Bullying and Harassment & Performance Management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may

not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

### **Responsibilities**

All staff and representatives of the Council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – Councillors, Clerks, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

### **During the Investigation**

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

### **Confidentiality**

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The Council representative (Clerk/Councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some

situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a Council to consider an anonymous complaint, however if the concerns are significant and compromise the Council in their duty of care to employees, then consideration of how the deal with the matter may be required.

### **Victimisation**

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

### **False Allegations**

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the Council should consider the matter under the Disciplinary Policy. Such an allegation would be potentially be gross misconduct.

### **Complaints Against Councillors**

Following the Ledbury case, the law is clear that any formal complaint about a Councillor regarding a breach of the Code of Conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the Council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the Council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the Council, or require exploration of the Councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any Councillors where this may relate to the Code of Conduct. It is a matter of fact whether the complaint is against the Council and can therefore be dealt with by the Council's Grievance Policy or against a Councillor and can only be dealt with by the Monitoring Officer.

# **BARTON UNDER NEEDWOOD PARISH COUNCIL**



## **CIVILITY AND RESPECT PLEDGE**

Prepared by: Cllr Sally Bedford

Reviewed by: Human Resources Committee

Approved for recommendation to Full Council by: Human Resources Committee

Reviewed and adopted by: Full Council

Meeting dated ..... Minute number .....

Signed by Chair of the Parish Council .....

Next Review: February 2026



### **Definition of Civility and respect**

Civility means politeness and courtesy in behaviour, speech, and in the written word.

Examples of ways in which you can show respect are by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

The National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC), and One Voice Wales (OVW) believe now is the time to prioritise civility and respect and start a culture change in the local council sector.

By signing the Civility and Respect Pledge, our Council demonstrates its commitment to treating Councillors, the Clerk, employees, members of the public, representatives of partner organisations, and volunteers with civility and respect in their roles.

Signing up is a straightforward and uncomplicated process, which only requires Councils to register and agree to the following statements:

<b>Statement</b>	<b>Tick to agree</b>
Our Council has agreed that it will treat all councillors, clerk and all employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.	
Our Council will put in place a training programme for councillors and staff	
Our Council has signed up to Code of Conduct for Councillors	
Our Council has good governance arrangements in place including, staff contracts, and a Dignity at Work Policy.	
Our Council will commit to seeking professional help in the early stages should civility and respect issues arise.	
Our Council will commit to calling out bullying and harassment when it happens.	
Our Council will continue to learn from best practice in the sector and aspire to being a role model/champion council e.g., via the Local Council Award Scheme	
Our Council supports the continued lobbying for the change in legislation to support the Civility and Respect Pledge, including sanctions for elected members where appropriate.	

A Meeting of **Barton-under-Needwood Parish Council Communications Committee** was held on Tuesday 28<sup>th</sup> January 2025 at 1.30pm, Barton Village Hall, Crowberry Lane, Barton under Needwood.



**Attendees:** Councillors Sally Bedford (Chair of Committee), Ed Sharkey, Lucy Lucas, and Siobhan Rumsby (Parish Clerk). Cllr Naylor joined the meeting at 2.00pm

1. **Apologies**

Councillor McInerney.

2. **Minutes** of the meeting held on the 21<sup>st</sup> November were agreed.

3. **Draft Strategy Action Plan – launch**

Cllr Sharkey presented the first draft of the plan. An updated version would be shared with all Councillors to comment prior to the Parish Council meeting on Thursday 6<sup>th</sup> February where it would be presented for approval. Cllr Allcock to do the final proof read.

The Plan to be launched in February with display boards rotated through various locations in the village and on the web-site. A further meeting on 12 February at 7pm agreed to go through the detail ahead of launch.

4. **Planning for Ben Adams Meeting: 20<sup>th</sup> March – 7pm-9pm**

Updated version of the poster to be shared with Needwood and Baggot Parish Councils.

Cllr Sharkey is working with John Taylor High School (JTHS) to prepare a risk matrix for the Council and the school. The insurance for the meeting is agreed. We need to share our Safeguarding Policy for Children and Vulnerable adults with the school.

Use of sound system supplied by JTHS to be agreed. On the night, discussion will be facilitated by two roving microphones. In addition, panelists will have access to microphones. Attendees to confirm by email and questions to be asked for in advance, as well as accepted on the night. A Councillor to sort questions into themes for the panel.

A further meeting on 12 February at 7pm agreed to go through the detail.

5. **Contact list – GDPR letter returns**

Only 6 replies received so far. Further work agreed for Cllrs Lucas and Bedford to telephone those contacts without emails to prompt a response.

6. **Policy development**

Full discussion at the HR meeting following this meeting. Complaints and Vexatious Complaints Policy to be approved at February PC meeting. Further work on Comms policies, procedures and notices to be picked up from the tracker.

7. **Sign posting for the web-site – articles for the web-site**

Chair agreed to contact contributors for further updates.

8. **Website Review by Councillor Brookes**

Clerk had updated the spreadsheet. Cllr Bedford and Clerk to work through at their next 1 to1.

**9. Social Media – liaise with library**

Cllr Bedford and Lucas to meet with Meg Jones.

**10. Chime articles to include QR code link to the Parish Council web-site**

Agreed for February PC article.

**11. AOB**

Cllr Sharkey to get costs for printing of Board posters from Reflex printing.

**12. Date of next meeting**

The next meeting will be held on 12 February at 7pm.

## CORRESPONDENCE & CALLS

### GENERAL

1. Resident requesting advice about on-street parking outside his property. *Clerk responded referring to County Councillor; advice given regarding pre-purchase enquiries*
2. Catton Park event organisers invitation to impact meeting 12/3/25, Walton Village Hall 7pm
3. Resident telephone complaint re mud at Barton Turn from the quarry – *Clerk contacted Quarry Estate manager about wheel washing. Permit for Road Sweeper to be arranged.*
4. Resident letter in response to flood alleviation measures detailed in the Chime;
5. Copy resident letter to Skippers re HGV route through the village

### SPCA/NALC/SLCC

1. Newsletters and training opportunities- *forwarded to all Cllrs;*