

Charmouth Parish Council

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MINUTES OF THE HUMAN RESOURCES COMMITTEE MEETING HELD AT THE ELMS AT 10.30AM ON THURSDAY 21 JULY 2022

In attendance: Cllrs Jane Bremner, Andrew Lightfoot, Katie Moore, Martin Sayers, and the Clerk, Lisa Tuck.

HR22/1 APPOINTMENT OF CHAIR – Jane Bremner was nominated and following no other nominations, it was

RESOLVED that Jane Bremner be appointed Chair of the HR Committee for the current year.

HR22/2 APPOINTMENT OF VICE CHAIR – Katie Moore was nominated and following no other nominations, it was

RESOLVED that Katie Moore be appointed Vice Chair of the HR Committee for the current year.

HR22/3 APOLOGIES FOR ABSENCE

No apologies for absence were received.

HR22/4 DECLARATIONS OF INTEREST

No declarations of interest were received.

HR22/5 TERMS OF REFERENCE

It was

RESOLVED to accept the Terms of Reference circulated with the addition of the additional responsibility to consider and review the Council's Volunteer Policy. It was agreed that the management of volunteers would fall the relevant Committee for the task in hand.

HR22/6 STAFF / COUNCILLOR LIAISON PROTOCOL

Andrew Lightfoot stated that in such a small organisation to work as a team effectively, communication with all staff should be as full and open as possible. It was felt that the current hierarchy, highlighted in the current staff/councillor liaison should be maintained to ensure that managers are not undermined and that proposals do not bypass Committees. It was agreed that Committee Chairs should meet with the Facilities Manager and the outside staff following Committee meetings to talk through the proposals and involve the staff. This will also give the staff an opportunity to air views and ideas which could be taken to future meetings. It was agreed that the protocol should not be changed for the time being.

HR22/7 H&S AUDIT ACTIONS

(a) MAN DOWN ALARMS – These alarms have been suggested for lone working maintenance staff. It was felt that initially a Lone Working Policy is required and advice is being sought from Bridport TC as to their procedure as they use the same H&S Consultants. This will come back to the Committee in due course.

(b) CHAPTER 8 TRAINING – It is suggested that Dave and Terry undertake Chapter 8 training in connection with working on the highway (road or pavement). Availability and cost is being explored with Dorset Council. The issue of volunteers weeding pavements was discussed and it was suggested that the person giving the briefing should be first briefed by someone who is Chapter 8 trained.

(c) PAT TESTING TRAINING – Details of a course by TTS Training held in Exeter for a cost of £195 plus VAT were received. Jane Bremner said it was her understanding that PAT testing could be undertaken by any competent individual and formal training was not necessary. This would be checked with Worknest. The cost of the kit amounts to £79.99 plus VAT.

(d) BULLYING AND ANTI-HARASSMENT POLICY (APPENDIX A) – Andrew Lightfoot asked whether Councillor-Councillor bullying should be included and it was confirmed that this would be dealt with through the Code of Conduct. The draft policy attached had been drafted from the NALC Model and it is proposed that this be accepted and agreed.

HR22/9 UPDATE TO EMPLOYEE HANDBOOK – CLARIFICATION OF TYPES OF LEAVE

It was felt important to clarify the different types of leave to ensure that staff are clear of their options when situations arise. In line with recent NALC advice, it is proposed that the Employee Handbook be updated to ensure all incidents are dealt with consistently. In addition, examples of policy on bereavement would also be looked at and incorporated if necessary.

HR22/10 STAFF

(a) MAINTENANCE STAFF JOB TITLE – It was reported that following the dislike of the current job title (Works Maintenance Assistant) for the maintenance staff being expressed at the last staff appraisals, some investigation had been undertaken and it was confirmed that two other nearby Councils use the title “Maintenance Operative”. It was felt important to keep all the job titles the same so that staff can be interchangeable across the Parish. It was agreed that the staff should be asked about this at the next staff meeting.

(b) STAFF MEMBER 3 – It was agreed that the Chair of the Committee and the Clerk should meet with the staff member in question to discuss requirements and options. This issue will be brought back to the Committee in due course.

The meeting closed at 11.40am.

Proposal:

HR22/7 (d) Bullying and Anti-Harassment Policy

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CHARMOUTH PARISH COUNCIL BULLYING AND ANTI-HARASSMENT POLICY

Introduction

All staff should be able to work in an environment free from harassment and bullying and be treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

This policy and procedure provide guidance on what to do if you are concerned about bullying or harassment and what to expect if you raise concerns. It applies to all staff (whether permanent, fixed term, or casual), contractors and agency staff.

Policy

The Council does not tolerate bullying or harassment in the workplace. This is the case for work-related events that take place within or outside of normal working hours; on council property or elsewhere; whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not.

The Council does not tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment. The council will take appropriate action if any of our staff are bullied or harassed by staff, councillors, members of the public or suppliers.

What type of treatment amounts to bullying or harassment?

Bullying is offensive, intimidating, threatening, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injures the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics', which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Harassment amounts to unlawful discrimination if it relates to a 'protected characteristic'.

Examples of bullying and harassment include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Lewd or suggestive comments
- Deliberate exclusion from conversations or work 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
- Subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others
- Abusing a position of power

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

Reporting concerns

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 the Chair of the HR Committee. 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 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 the Clerk or the Chair of the HR Committee in the first instance. They will then 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 in the first instance. 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 Code of Conduct breaches will be investigated by the Monitoring Officer.

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 our policy and must stop. Alternatively, you may wish to ask the Clerk 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 manager, you should raise the issue with the Clerk or the Chair of HR Committee. The Clerk or the Chair of the HR Committee will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a member of staff;
- That such behaviour is contrary to our policy;

- That for employees, the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible to have the conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party to facilitate a resolution of the problem. The Clerk or Chair 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 a serious allegation of harassment or in cases where a problem has happened before) the Council may decide to investigate further and take more formal action notwithstanding that 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 the harassment or bullying to the Clerk or the Chair of the HR Committee. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Clerk or the Chair of the HR Committee will appoint someone to investigate your complaint.

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

... against a colleague or contractor

The alleged perpetrator(s) would need to be told your name and the details of your complaint 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 separate you whilst the matter is being investigated.

... against a member of the public or supplier

We will investigate the complaint as far as possible by contacting the member of public or the supplier's employer and asking for a response to the allegations.

... against a councillor

Formal concerns regarding potential breaches of Code of Conduct breaches will be investigated by the Monitoring Officer.

During the investigation

Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee, then the employee may be subject to disciplinary action, up to and including dismissal.

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 better understand your complaint. Whilst there is no Statutory right to be accompanied at investigation meetings, the Investigator will consider your request if you want to have a work colleague or union representative with you at that meeting.

Hearing

After the investigation, a panel will meet with you in a Grievance Hearing (following the Grievance Procedure) to consider the complaint and the findings of the investigation. At the meeting you may be accompanied by a fellow worker or a trade union official.

After the meeting 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.

Victimisation

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False allegations

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. False allegations made in bad faith will be dealt with under our disciplinary procedure.

Disclosure and confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how data is used and the basis for processing data is provided in the employee privacy notice.

Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. 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 our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

This is a non-contractual procedure which will be reviewed from time to time.

Agreed by Council: July 2022
Review Due: July 2024