



**BARRY TOWN COUNCIL
CYNGOR TREF Y BARRI**

PURSUANT TO THE REQUIREMENTS OF THE ABOVE STATUTORY PROVISIONS, NOTICE IS HEREBY GIVEN THAT A MEETING OF THE PERSONNEL COMMITTEE TO BE HELD ON A HYBRID BASIS IN THE COUNCIL CHAMBER, TOWN HALL, KING SQUARE, BARRY, CF63 4RW AND REMOTELY ON MONDAY, 6 FEBRUARY 2023 COMMENCING AT 7.00 PM FOR THE PURPOSE OF TRANSACTING THE BUSINESS SHOWN IN THE AGENDA SET OUT BELOW.

From 1 May 2021 The Local Government and Elections (Wales) Act 2021 makes provision for meetings to take place through a variety of arrangements, including multi-location meetings where all individuals are attending virtually and hybrid meetings where a number of individuals are attending in person at a designated location and others are attending virtually from a range of other locations. The Act makes permanent provision for remote meetings (multi-location) and electronic publication of documents

Yours faithfully

A handwritten signature in black ink that reads 'Emily Forbes'.

Emily Forbes
Chief Officer (Town Clerk)

AGENDA

1. **Apologies for absence**
2. **To receive declarations of interest under the Council's Code of Conduct** (Note: Members seeking advice on this item are requested to contact the Monitoring Officer at least 72 hours before the meeting)

TO NOTE: Councillor Wilkinson has been granted Dispensation to allow them to speak and vote where issues are raised (including budgets) relating Cadoxton Primary Schools and St. Richard Gwyn High School.

3. **Well-being of Future Generations (Wales) Act 2015**
(To note)

*Personnel Committee members will note that this Act sets out the requirement for a public body to act in a manner which seeks to ensure **that the needs of the present are met without compromising the ability of future generations to meet their own needs.***

In order to act in that manner, a public body must take account of the following things:

- (a) the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect;*
- (b) the need to take an integrated approach, by considering how—*
 - i. the body's well-being objectives may impact upon each of the well-being goals;*
 - ii. the body's well-being objectives impact upon each other or upon other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;*
- (c) the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of the part of Wales in relation to which the body exercises functions;*
- (d) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives;*
- (e) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or another body's objectives.*

4. **To approve and sign the minutes of a meeting of the Personnel Committee held on 14 November 2022** (Pages 172-178)

FINANCIAL REPORTS

5. **Budget Monitoring Report to 31 December 2022**
(Pages 179-180)

(If Councillors have any queries on the attached please contact the Deputy Chief Officer prior to the meeting)

GOVERNANCE

6. **Updated Organogram** (Page 181)

POLICIES

7. **Dignity at Work** (Pages 182-212)
8. **Capability and performance management** (Pages 213-226)

STAFFING MATTERS

9. **Finance Team Capacity** (To Follow)
10. **Date of Next Meeting**

The next scheduled meeting of the Personnel Committee will be agreed at the Annual Meeting scheduled to be held on Tuesday 16 May 2023.

Before then, an Extraordinary meeting of the Personnel Committee will be held to consider a single item of External Review of the Cemetery Department.

11. **Exclusion of the Press & Public**

In accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

STAFFING MATTERS

12. **Update on External Review of Cemetery Department**
(Verbal)
13. **Recruitment update** (Verbal)

Distribution

Electronic notification of summons and front page Agenda to all Committee members. Email notification of electronic papers to all Barry Town Councillors (22). A full copy of the agenda and papers for this meeting (with the exception of confidential items) will be available at the Town Council Offices and on the Town Council Website – www.barrytowncouncil.gov.uk

This document is available in large print and other formats upon request/Cewch y ddogfen hon mewn pring bras a ffor matiau eraill drwy holi.

BARRY TOWN COUNCIL

DRAFT MINUTES OF A MEETING OF THE PERSONNEL COMMITTEE HELD ON MONDAY 14 NOVEMBER 2022 AT 7.00 PM

PRESENT: Councillors Johnson (Vice-Chair), Marshall, Payne (Town Mayor – Ex-Officio) (arrived 7.09pm) Thomas, William and Wilkinson.

ALSO PRESENT: Mark Sims – Deputy Chief Officer
Rebecca Blackwell – Office Team Leader
Councillor N Hodges – Observer
Councillor S Hodges - Observer

R29. **APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors Charles and Perkes.

R30. **DECLARATIONS OF INTEREST**

Councillor MR Wilkinson declared an interest for agenda item 13 – Unpaid Leave Request, with her being the Vale of Glamorgan Council's Cabinet Member for Public Sector Housing and Tenant Engagement.

R31. **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

RESOLVED: That the Well-being of Future Generations (Wales) Act 2015 be received and noted.

R32. **TO APPROVE AND SIGN THE MINUTES OF AN EXTRAORDINARY MEETING OF THE PERSONNEL COMMITTEE HELD ON 24 OCTOBER 2022**

RESOLVED: That the minutes of the Extraordinary Personnel Committee held on 24 October 2022 be approved and signed as a correct record.

R33. **BUDGET MONITORING REPORT TO 30 SEPTEMBER 2022**

Members were provided with the Committee's expenditure in the 2022/23 financial year as at the end of September 2022.

The Deputy Chief Officer advised members that the national Pay Award had now been accepted by the Unions and had been implemented by the Chief Officer under the Scheme of Delegation.

RESOLVED: That the budget monitoring report for September 2022 be received, noting the projected out-turn for the year is to be overspent by £49,838.

R34.

DRAFT BUDGET ESTIMATES FOR 2023/24

Members were provided with the draft estimates for 2023/24.

The Deputy Chief Officer advised members that there had been a miss calculation on the M&S/Salaries in which the correction was circulated prior to the meeting.

The Vice Chair said that as the projected outturn was around £120,000, he asked how much of inflation could be maintained.

The Deputy Chief Officer advised that there is the increase in salaries for 2023/24 as per the pay award of £1,925 per spinal point compared to only including 2.5% in the budget. He also advised members of other increases in relation to salaries in terms of increased hours, new roles and on cost increases, that had been reported to the Committee's previous ordinary meeting in September.

Councillor Payne arrived 7.09pm

Councillor Wilkinson asked if the Planning Officer role would undertake other duties other than Planning, the Deputy Chief Officer advised that their role would incorporate the project management of large projects the Council wish to undertake along with the preparation of a Community Plan.

RECOMMENDATION: To a meeting of the Finance, Policy and General Purposes Committee being held on 28 November 2022 as confirmation of the Personnel Committee's requirements for the 2023/24 financial year subject to any additional items they may wish to include.

R35.

HEALTH & SAFETY BUDGET CONSIDERATIONS FOR FIRE REGULATIONS

Members were provided with information in relation to increasing the Health and Safety budget in order to complete the works needed to meet with the Fire Regulations and Fire Risk Assessment audits carried out.

The Vice Chair asked if the changes to the Renting Homes (Wales) Act 2016 will affect the Cemetery Lodge and asked if the Facilities and Cemeteries Manager could provide assurances in relation to it.

RECOMMENDATION: To a meeting of the Finance, Policy and General Purposes Committee being held on Monday 28 November that an additional £6,900 is placed into the Health & Safety Budget to allow the Facilities and Cemeteries Manager to complete the works required.

RESOLVED: That the Facilities and Cemeteries Manager provides the Personnel Committee with assurances that the Council are complying with the changes outlined within the Renting Homes (Wales) Act 2016.

R36. **TO RECEIVE THE NATIONAL CIVILITY AND RESPECT PLEDGE AND RECOMMEND FOR ADOPTION TO A MEETING OF FULL COUNCIL ON 12 DECEMBER 2022**

Members were provided with the National Civility and Respect Pledge.

The Vice Chair advised that evidence should be provided when the Civility and Respect Pledge is presented to Full Council that the Council are doing the statement listed.

RECOMMENDED: to a meeting of Full Council scheduled to be held on 12 December 2022 that Barry Town Council sign up to the Civility and Respect Pledge.

R37. **TO CONSIDER THE COUNCIL'S POSSIBLE POLICY POSITION ON A 4 DAY WORKING WEEK**

Members were provided with a detailed report which gave rational and case studies into the Council's possible policy on a 4 day working week.

Councillor Wilkinson felt that this would be a decision for Full Council. Councillor S Hodges said that she would like to see how well it went elsewhere first.

The Vice Chair raised concerns in relation to the discussion regarding the uplift in salaries, concerns at the Cemetery, movements within roles, saying that there are a lot of issues that need consideration, suggesting that it goes to a working party to consider the feasibility.

RECOMMENDED: To a meeting of Full Council being held on Monday 12 December 2022 to suggest a working party be set up to discuss the potential of a policy on a 4 day working week.

R38. **TO NOTE THE 2022-23 – NATIONAL PAY AWARD**

Members were provided with an update in relation to the 2022/23 National Pay award.

RESOLVED: That members receive the new salary scales, noting that they have been implemented by the Chief Officer in accordance with the scheme of delegation.

R39. **DATE OF NEXT MEETING**

RESOLVED: The date of the next meeting of the Personnel Committee has been scheduled to be held on Monday 6 February 2023 at 7pm

R40. **EXCLUSION OF PRESS & PUBLIC**

In accordance with section 1(2) of the Public Bodies (Admission to Meeting) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting

Councillor Wilkinson left the meeting for the next agenda item

R41. **UNPAID LEAVE REQUEST**

Members were provided with a report outlining an Unpaid Leave Request.

Detailed discussions took place which included a discussion to relax a part of the Parental Leave Policy to provide assistance to the employee.

RESOLVED: That members agree to a further two weeks' unpaid leave under the Parental Leave Policy with a review to be undertaken at the end of that period of unpaid leave.

Councillor Wilkinson returned to the meeting for the next agenda item

R42. **TO CONSIDER INCREASING THE FACILITIES TEAM CAPACITY**

Members were provided with a report requesting the Personnel Committee consider the capacity within the Facilities team.

The Vice Chair requested that an organigram is provided with any future requests in relation to extension of teams within the Council. The Deputy Chief Officer noted that one can be provided at the next meeting of the Personnel Committee for reference.

RESOLVED:

- 1. That Members agree to create a new post for a Facilities Team leader to replace the unfilled Caretaker role.**
- 2. That an organigram is presented to the next meeting of the Personnel Committee being held on 6 February 2023 for reference.**

RECOMMENDED: To a meeting of the Finance, Policy and General Purposes Committee being held on Monday 28 November 2022 that an additional amount of £2,583 be added to the Cemetery Approach Community Centre/Salaries expenditure heading for 2022/23 to cover the additional costs of appointing a Facilities Team Leader instead of a Caretaker role.

R43. **TO RECEIVE A REPORT AND MAKE RECOMMENDATIONS TO IMPROVE STAFF HEALTH AND WELLBEING**

Members were provided with a report which discussed how the Council can best support the health and wellbeing of its staff.

Members discussed that this would best sit with a smaller working group to discuss and suggested that the Chair, Vice Chair together with Councillors Thomas and Wilkinson, the Deputy Chief Officer suggested that substitutes can be made for the working party.

RESOLVED: That a Working Party be arranged to discuss supporting staff health and wellbeing.

R44. **TO NOTE STAFF FORUM MINUTES AND FEEDBACK AND CONSIDER ANY SUGGESTIONS**

Members were provided with the minutes of a meeting of the Staff Forum held on 27 September 2022 for noting.

The Vice Chair suggested that a front cover would be helpful to outline the purpose of receiving the minutes of future staff forums.

RESOLVED: That the minutes from the Staff Forum held on 27 September 2022 be received and noted.

R45. **RECRUITMENT AND VACANCIES UPDATE**

Members were provided with an update in relation to recruitment and vacancies. The Deputy Chief Officer advised members that two formal offers of employment have been offered in relation to the Planning Officer and the Engagement and Events Officer roles, with the employment for the Well-Being Project Officer currently on hold.

RESOLVED: That members receive and note the update in relation to recruitment and vacancies.

The Appeal Panel Members were asked to leave the meeting for the next agenda item.

R46. **DISCIPLINARY AND INVESTIGATIONS UPDATE**

The Deputy Chief Officer provided an update on four staffing issues.

RESOLVED: That members noted the update provided and that an informal meeting of the Personnel Committee with the Chief Officer and the Facilities and Cemeteries Manager be arranged to discuss the staffing issues further.

The meeting closed at 7.50 pm

Signed

Dated

FOR INFORMATION ONLY

ACTION SHEET - PERSONNEL COMMITTEE - 14 NOVEMBER 2022

MINUTE NO.	ACTION TO BE TAKEN	ACTION TO BE TAKEN BY	DATE ACTION TO BE CARRIED OUT	PROGRESS
R 34	To a meeting of the Finance, Policy and General Purposes Committee being held on 28 November 2022 as confirmation of the Personnel Committee's requirements for the 2023/24 financial year subject to any additional items they may wish to include.	DCO	Nov-22	Complete
R 35	To a meeting of the Finance, Policy and General Purposes Committee being held on Monday 28 November that an additional £6,900 is placed into the Health & Safety Budget to allow the Facilities and Cemeteries Manager to complete the works required.	DCO	Nov-22	Complete
R 36	to a meeting of Full Council scheduled to be held on 12 December 2022 that Barry Town Council sign up to the Civility and Respect Pledge.	CO	Dec-22	Complete
R 37	To a meeting of Full Council being held on Monday 12 December 2022 to suggest a working party be set up to discuss the potential of a policy on a 4 day working week.	CO	Jan-23	date being sourced
R 42	That an organigram is presented to the next meeting of the Personnel Committee being held on 6 February 2023 for reference.	CO	Feb-23	on agenda
R 42 (i)	To a meeting of the Finance, Policy and General Purposes Committee being held on Monday 28 November 2022 that an additional amount of £2,583 be added to the Cemetery Approach Community Centre/Salaries expenditure heading for 2022/23 to cover the additional costs of appointing a Facilities Team Leader instead of a Caretaker role.	DCO	Nov-22	Complete
R 43	That a Working Party be arranged to discuss supporting staff health and wellbeing.	CO		date being sourced

BUDGET MONITORING REPORT DECEMBER 2022**Report Author**

Mark Sims, Deputy Chief Officer

Attached: A. Budget Monitoring Report December 2022 (1 page)

Purpose of Report

To provide members with the Committee's expenditure in the 2022/23 financial year as at the end of December 2022.

Background Information

On the following page is the budget monitoring report to 31 December 2022, indicating actual expenditure up to the end of month nine in the 2022/23 financial year.

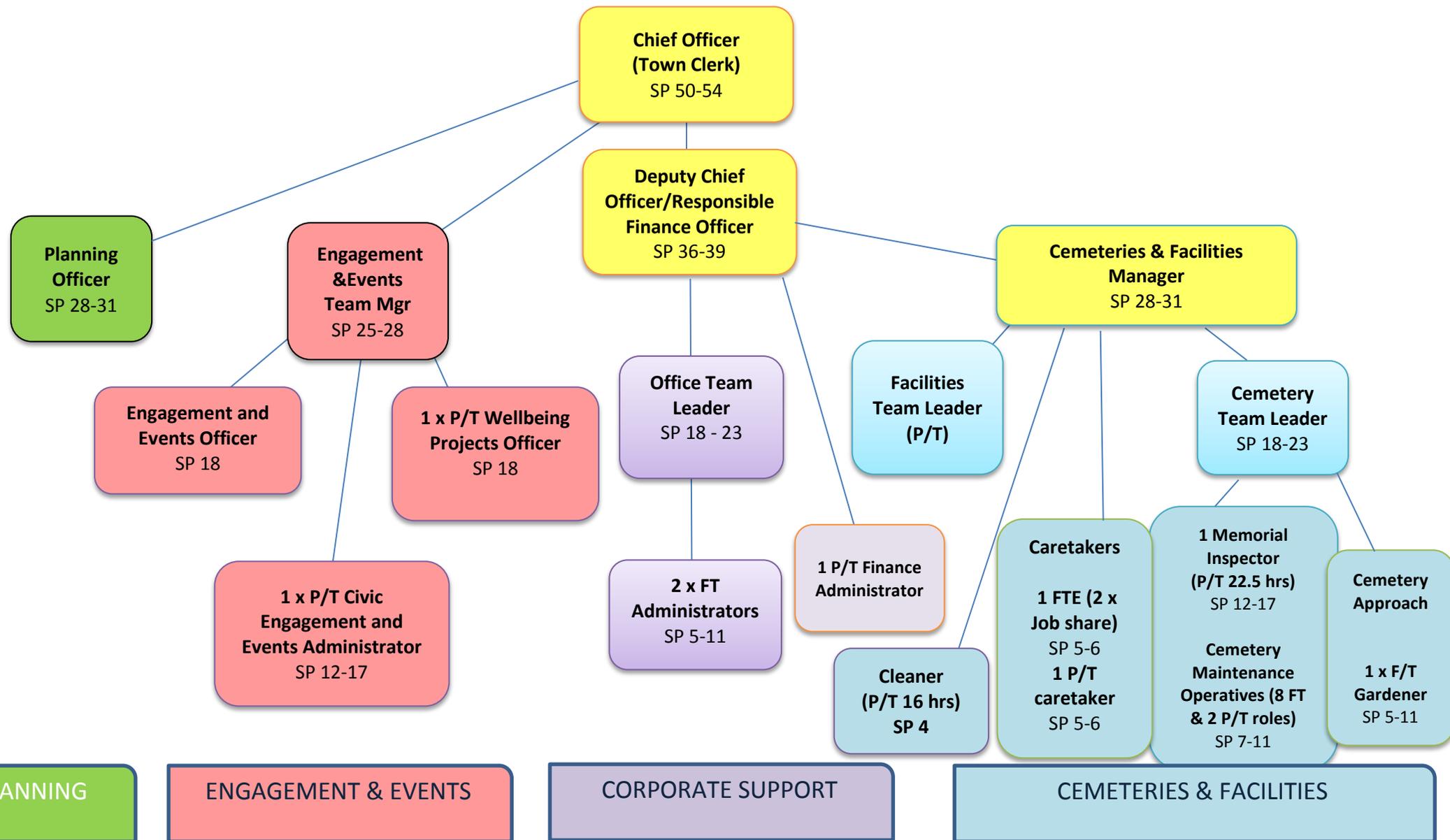
Recommendation

Members are requested to receive the budget monitoring report for December 2022 noting the projected out-turn for the year is to be overspent by £11,103.

Budget Monitoring Report to 31st December 2022.

Gross Expenditure									
Description	Item No.	Budget	Expenditure	Committed	Balance	Budget	Year End	Projected	
		12 Months	9 Months	Expenditure		12 Months	Projections	Variance	
		£	£	£	£	£	£	£	£
Personnel Committee									
M&S/Salaries	1	381,100	282,794	98,946	-640	381,100	381,740	-640	
Planning/Salaries	1	17,350	0	10,781	6,569	17,350	10,781	6,569	
Merthyr Dyfan Cemetery/Salaries	1	349,562	281,231	80,496	-12,165	349,562	361,727	-12,165	
Porthkerry/Salaries	1	15,000	11,250	3,750	0	15,000	15,000	0	
Pioneer Hall/Salaries	1	28,350	22,397	7,273	-1,320	28,350	29,670	-1,320	
Community Building/Salaries	1	27,850	10,754	5,243	11,853	27,850	15,997	11,853	
M&S/Equipment	16	5,000	4,139	861	0	5,000	5,000	0	
Merthyr Dyfan Cemetery/Equipment	9	6,625	1,631	4,994	0	6,625	6,625	0	
Pioneer Hall/Equipment	9	500	51	449	0	500	500	0	
Community Building/Equipment	8	2,000	128	1,872	0	2,000	2,000	0	
M&S/General Salaries Contingency	23	30,000	30,705	7,795	-8,500	30,000	38,500	-8,500	
M&S/Health and Safety	24	5,000	3,296	8,604	-6,900	5,000	11,900	-6,900	
Corporate/Staff Suggestion Scheme	4	500	0	500	0	500	500	0	
Corporate/Councillor Training	6	4,000	433	3,567	0	4,000	4,000	0	
Corporate/Staff Training	7	20,000	11,457	8,543	0	20,000	20,000	0	
Corporate/Staff Long Service Award	20	500	0	500	0	500	500	0	
Total Expenditure		893,337	660,266	244,174	-11,103	893,337	904,440	-11,103	
Our budget for the year is £893,337 with actual expenditure for the 9 months to 31 December 2022 of £660,266 with committed expenditure of £244,174.									
Our projected out-turn for the year is to be overspent by £11,103 (£11,103 more expenditure).									
Staff Training Breakdown									
Statutory		£ 2,355	PATs, Chainsaw, Woodchipper, Child Protection Awareness & EROB Training						
Occupational		£ 9,102							
Vocational		£ -							
		£ 11,457							

BARRY TOWN COUNCIL STRUCTURE JANUARY 2023



PERSONNEL COMMITTEE	6 FEBRUARY 2023	AGENDA ITEM: 7
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DIGNITY AT WORK

Report Author

Emily Forbes, Chief Officer (Town Clerk)

Purpose of Report

As agreed at a meeting of Full Council on 12 December 2022, a new Dignity at Work Policy is required to commit to the Civility & Respect Pledge already made and to update the Council's policy framework. This has been drafted and is now provided for members' review and comment and recommendation for adoption.

Detailed Information

A reviewed Policy is attached at Appendix One using best practice templates for review.

Additionally, new guidance on bullying and harassment has been developed by One Voice Wales (OVW) and the Society of Local Council Clerks (SLCC) at Appendix Two. Whilst serious issues of behaviour are limited to a small number of cases, the impact is significant for those involved. Unacceptable behaviour can impact on Council effectiveness undermining loyalty and commitment and a souring of relationships which is in no one's interests. At its very worst it can result in ill-health which is clearly unproductive and costly to those Councils experiencing relationship issues. The guide includes reference to the following:

- Steps needed to develop effective councillor and officer relationships
- Description of bullying and harassment
- Findings from SLCC's research on the ethical framework
- Explanation of differences between employee grievances and Code of Conduct complaints and how such matters should be approached
- Complaint handling by the Public Services Ombudsman for Wales (PSOW)
- The role of the Council and Chair
- The Council's position on values and beliefs
- Support available for Councils and Clerks
- Checklist for making a complaint to the PSOW

Recommendation

RECOMMENDED: To a meeting of Full Council on 13 February 2023 that the new Policy and guidance is formally adopted and consulted on with staff and Unions for a 2 week period.

BARRY TOWN COUNCIL DIGNITY AT WORK POLICY

Barry Town Council believes that civility and respect are important in the working environment, and expect all councillors, employees and the public to be polite and courteous when working for, and with the council.

Purpose

Barry Town Council (BTC) 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 and culture where there is zero tolerance for harassment and bullying, banter and gossip. Any behaviour which undermines this is unacceptable.

In support of this objective, BTC has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

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.

Scope

This policy covers bullying and harassment of and all employees engaged to work at the Council. Should agency staff, or contractors have a complaint connected to their engagement with BTC, 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 (Town Mayor) the complaint should be raised to the Chair of the Personnel 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 are suspicions 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.

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.

BTC 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, the Civility and Respect pledge, Equalities 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 procedure.

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 Equalities 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.

Banter

“Banter” is too often used as an excuse to cover up unlawful attitudes and behaviours. Failure to adequately address inappropriate actions and creating a culture which does not facilitate diversity and inclusion can prove detrimental for organisations. Indeed, the number of employment tribunal cases in which workplace banter was cited rose from 67 in 2020 to 97 in 2021 – a 45% increase, highlighting the need for employers to do more to prevent situations turning nasty. In some cases, an individual may not mean to deliberately cause harm. But, under the Equality Act 2010, unlawful harassment occurs where a person engages in unwanted conduct related to a protected characteristic, and this has the purpose or effect of

violating their dignity,
or
creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Banter can include jokes and comments made both in-person and virtually, and verbally or in writing, through conversations, emails, instant messaging platforms and pranks. However, what one employee sees as a joke can be extremely damaging to another. Therefore, we should all be conscious of inappropriate remarks being utilised in the workplace and ensure that “banter” does not create an uncomfortable or offensive environment for any staff member, as this will likely instead be seen to be harassment.

Some examples of Employment Tribunal cases whereby respondents have unsuccessfully tried to plead that bullying or harassment was merely “workplace banter” include:

- An employee of Indian origin who was called a “cheeky monkey”, during a business-related round of golf (Basi v Snows Business Forms Ltd).
- An employee who was teased that if he didn’t like football, he “must be gay then” (Austin v Samuel Grant (North East) Ltd).
- An employee called “half-dead Dave” due to his age (Robson v Clarke’s Mechanicals Ltd).
- An employee who was called a “dinosaur” due to her age and sex. (A v Bonmarche Ltd).

Barry Town Council will not normalise banter and actively discourages banter, setting out expectations for what is acceptable in the workplace in this policy.

Gossip

The Council understands that gossiping can be present in the following circumstances:

- discussing the personal life of others whilst they are not present
- negative conversations that serve to criticise colleagues / councillors
- repeating unsubstantiated information that could potentially harm a colleague’s / councillor’s reputation, both professionally and personally
- spreading or repeating rumours about a colleague / councillor
- repeating information about a colleague / councillor which has been told in confidence.

That said, it can be difficult to constitute what is gossip and what is not. BTC asks all staff and councillors to consider what they are about to say before they say it; if they feel they need to lower their voice, it could suggest what they are about to say could be considered gossip.

For example, an employee raises issues over their colleague’s conduct to their manager. They do not mention this to anyone else. This is not gossip as the employee has carefully only discussed their concerns with management, and therefore left the matter for management to investigate further. Alternatively, this same employee doesn’t go to management and instead talks about these concerns with their other colleagues, causing them to doubt the individual in question. This is gossip and the employee should avoid this behaviour. To give another example, an employee overhears private information concerning a colleague’s personal life. They discuss this with their colleagues, causing rumours to spread around the workplace. This would be considered gossip.

Other inappropriate behaviour

There is no definitive list of what constitutes inappropriate behaviour; however, the Council expects all employees and councillors to treat all individuals, whether colleagues, customers or third parties, with dignity, respect and courtesy. Examples of what the Council deems inappropriate behaviour are listed below, though this is not an exhaustive list and all concerns of inappropriate behaviour will be considered on a case-by-case basis:

- shouting or swearing at someone
- persistent, excessive, unfair or unjustified criticism
- public humiliation and/or insults
- persistent devaluing of a person's effort
- constant ignoring of opinions
- withholding necessary information without good reason so as to cause difficulty or embarrassment to an individual
- unjustified, excessive monitoring and/or supervision
- setting someone up to fail – for example, setting a target/objective that cannot be achieved
- constant changing of targets for no justifiable reason
- unreasonably blocking requests for leave
- aggressive communications
- intimidating or threatening behaviour.

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.

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 Deputy Chief Officer / Chief Officer. 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 Chief Officer 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 the Councillors 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 harassment or bullying:

If you witness such behaviour you should report the incident in confidence to the Chief Officer or the Town Mayor. 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 also 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 Chief Officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s) to seek informal resolution.

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 Town Mayor as Chair of the council. (If your concern relates to the chair, you should raise it with the Chair of the Personnel 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 procedure. You should raise your complaint to the Chief Officer in the first instance. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The Chief Officer (or if appropriate the Chair of the Council) will appoint someone to investigate your complaint in line with the Grievance policy. You will need to cooperate 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 Councillors' 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 Hearing will take place 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, you will be informed of the decision and notified 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.

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 our Disciplinary procedure. We will keep you informed of the outcome.

Responsibilities

Combatting gossip

Everyone in the organisation is responsible for working against instances of gossip occurring. Staff and councillors are expected to conduct themselves in such a way that serves to prevent gossip. This can be done by following the below guidance:

- do not speak about another person when they are not present unless it is to compliment or praise them or ask questions related to work
- refuse to participate in conversations that are talking about colleagues in a negative light
- do not respond, or forward, an email containing derogatory information about a colleague
- halt or leave a conversation which starts to gossip about others
- try to keep to your own business.

If you hear other members of staff gossiping, you are expected to report this to your manager from which further inquiries will be made.

It is the responsibility of management to be mindful of instances of gossip occurring and respond accordingly. If a manager does witness conversations that they feel serve to breach this policy, they may intervene, and further action may be taken.

Isolated incidents of gossip may result in an informal discussion being had with perpetrators in order to remind them of this policy and inform them further action may be taken if they do not cease this behaviour. However, action taken at this point will depend upon the situation.

More serious forms of gossip, or employees who are considered habitual gossipers, may be subject to further sanctions in line with the Company's disciplinary policy.

Inappropriate behaviour

All staff and councillors are responsible for discouraging inappropriate behaviour and preventing it from taking place. This can be done by:

- keeping in mind the problems that inappropriate behaviour can cause, and monitoring our own behaviour to ensure that other do not feel our words or actions are inappropriate
- informing managers when an individual becomes aware certain conduct or behaviour is causing concern or offence to yourself or others
- understanding internal policies and the Council's stance on what behaviour is classed as inappropriate.

Managers and team leaders have a particular responsibility to prevent inappropriate behaviour taking place and to promote a professional and positive workplace culture by:

- being alert to the possibility that inappropriate behaviour may be happening in their area
- periodically reminding staff of the policy and stance on this matter
- using their judgement to correct behaviour that could be considered offensive, and reminding employees of organisational policy on this matter
- taking prompt action to stop inappropriate behaviour as soon as it is identified
- dealing with all incidents quickly, seriously, sensitively and in confidence.

A Culture of Dignity and Respect

Ultimately, 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.

Everyone should:

- treat colleagues, councillors and service users, with dignity and respect
- be aware of the effect that own behaviour and activities can impact on others
- set a positive example to others
- consider language, attitudes and culture of others
- think before making personal comments to or about others; and
- promote dignity and respect and courtesy in the workplace

Councillors and 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.

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Bullying and Harassment in Councils

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Introduction

One Voice Wales & the Society of Local Council Clerks (SLCC) are committed to improving the performance of community and town councils in Wales. One aspect of improvement is around behaviour by both elected members and council employees. While serious issues with behaviour are limited to a small number of cases each year, the impact of these cases is significant for those involved. Unacceptable behaviour can impact on the effectiveness of Councils undermining both loyalty and commitment and a souring of relationships which is in no one's interests. At its very worst it can result in ill-health and sickness absence which is clearly unproductive and very costly to those Councils which experience relationship issues of this nature.

This guidance has been developed by Paul Egan (One Voice Wales) and Naomi Bibi (SLCC) to support both councils and clerks when issues do arise.

Lyn Cadwallader, Chief Executive of One Voice Wales gives his full support to the production of this guide which he considers will help all Councils and employees to understand the nature of unacceptable behaviour and have a toolkit to help everyone ensure that Councils foster effective governance and employment practice. In his view, it is essential that Councils take all necessary actions to root out poor behaviour on the part of members and/or officers so that together a cohesive and focussed approach is adopted in achieving the best outcomes for local people.

As the professional body for local council clerks and chief officers, SLCC is similarly pleased to support the development of this guide. Rob Smith, Chief Executive of SLCC, gave his full support to the production of the guide and noted the value of its aims of improving behaviours, engendering positive relationships and helping councils and employees to deliver for their communities.

Effective Councillor and Officer Relationships

Councillors have different enthusiasms and interests, so celebrate this. Councillors have different skills and attitudes; for example, some work with ideas while others are very practical; some like accounts while others prefer reports. The community or town council needs a range of skilled people to work as a team.

Your chair has the roles of team leader and umpire at meetings. Some councils appoint a separate council leader, but this party-political role has no status in law. The clerk provides advice and administrative support and takes action to implement council decisions. The clerk may have to act as a project manager, personnel director, public relations officer or finance administrator. The clerk is not just a secretary and is not at the beck and call of the chair or other councillors; the clerk is answerable only to the council as a whole. The clerk is the **proper officer** of the council in law. Legally councils can agree to delegate decisions to clerks because they are professional officers whose independence allows them to act on behalf of the council. Clearly the clerk must be treated with respect. The best councils will have a clerk and councillors who work as a team to serve the community.

What is bullying and harassment?

Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse and includes bullying.

What are bullying and harassment? These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment as defined in the Equality Act 2010 is: Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or councillor) or involve groups of people. It may be obvious, or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include: spreading malicious rumours, or insulting someone by word or behaviour (copying e-mails that are critical about someone to others who do not need to know, ridiculing or demeaning someone – picking on them or setting them up to fail), exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of power or position, unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected, making threats or comments about job security without foundation, deliberately undermining a competent worker by overloading and constant criticism, preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, through social media (e.g., Facebook, Twitter) and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all staff.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

SLCC's Research

In 2017 Hoey Ainscough were commissioned by the SLCC to survey their members on issues relating to council governance, the Code of Conduct and standards arrangements under the Localism Act 2011.

Although the research focussed on England and its regime, Welsh members were included in the survey and the responses were consistent between the regions and countries.

The Localism Act (which does not apply in Wales) arrangements, which deregulated standards arrangements, are now over five years old and SLCC have been receiving increasing anecdotal evidence from their members that in some places standards are deteriorating and the lack of effective sanctions in the legislation for serious or persistent misconduct by councillors was having a negative effect on the governance of some parishes. SLCC therefore wanted to establish on a more systemic basis whether what they were hearing anecdotally was in fact true; if so, what was the scale of the issue and what were the effects. This evidence would be used, where appropriate, to help SLCC decide whether it felt it would wish to push for changes to the English/Welsh statutory framework and to identify what further support its members and the sector might need.

A survey in November 2017 was sent to all SLCC members with a series of questions designed to identify what clerks felt about certain key standards issues. In parallel a shorter questionnaire was sent to the English Monitoring Officers (MOs) of the principal authorities (In Wales, the Public Services Ombudsman investigates complaints) who have oversight of parishes under the legislation to see what impact, if any, parish governance issues were having on their role. We received 801 responses to the clerk questionnaire and 55 responses to the Monitoring Officer survey.

Summary of the findings

The findings from the survey were:

1. The number of complaints against councillors does not appear to have changed since before and after the introduction of the Localism Act, with roughly the same number reporting cases had increased as saying they had decreased

2. Most parish/community councils do not have issues with member behaviour, however a significant minority (some 15%) do have serious issues
3. In those councils with problems, it is generally caused by one or two councillors who are consistently disruptive although there is a smaller minority of councils where the whole council is seen to be acting inappropriately because of factional splits or significant governance failures
4. While the number of cases has remained roughly constant, there is a great deal of dissatisfaction with how those cases are now handled and particularly resolved, with the vast majority of respondents pointing to the lack of powers (unlike in Wales where there is a Public Services Ombudsman that receives complaints concerning alleged breaches of the code of conduct) to remove councillors from office as seriously damaging to the governance of councils where there are significant behavioural issues
5. Most clerks believe they are well supported by the principal authority's Monitoring Officer in helping them deal with issues but a sizeable minority are very dissatisfied with the support they receive (Not necessarily the case in Wales as Monitoring Officers have more of an advisory role to community councils)
6. Most clerks, however, are dissatisfied with the outcome of complaints and the way they have been handled with a minority saying they (and in some cases their councillors) no longer see the point in making a complaint
7. There is a significant feeling that the current legislative framework means certain individuals now believe they are 'untouchable' and are given free rein to cause disruption and that problems therefore go on longer without coming to a resolution (see section below on the Ledbury Town Council Judicial Review 2018)
8. Disruption generally seems to be either because of personal animosities between councillors or else because individuals or small groups of councillors are challenging the 'status quo' and see themselves as outsiders who wish to change the way that the council has traditionally been run
9. There is a small minority of councils where the behavioural issues are aimed directly against the clerk or other staff, but more generally the clerk tends to get caught in the crossfire, either as part of the general targeting of the way the council is run or because they are having to manage the behaviour or reconcile the factions. However, a minority of respondents said they had left a previous role as a clerk because of the way they were being treated and a handful of respondents were either currently engaged in an employment dispute with their council or actively considering it
10. Some councils and their councillors struggle to understand the rules around declarations of interest and a minority of councillors appear routinely to ignore the rules as they do not believe there will be any consequences

11. Councillors (particularly longstanding councillors) are resistant to receiving training, either because they see no benefit or feel they have received training in the past, or simply because they are volunteers who cannot commit the time. The availability and cost of training is also seen as a major barrier to getting councillors to go on training courses.

What is the difference between a grievance and a Code of Conduct complaint?

In simplest terms, a grievance is a complaint by an employee about the actions of his or her employer, their terms and conditions of employment, work they are being asked to undertake or the working environment. It may relate to the conduct or attitude of a colleague.

In the Community and Town Council sector, a grievance is a complaint about the Council as a corporate body and an employer. A grievance cannot be just about the behaviour of an individual councillor. It may be linked to the behaviour of a councillor but only to the extent that the Council as an employer has not prevented or managed the unacceptable behaviour. A grievance may be about a person's line manager if they are another member of staff.

A line manager cannot raise a grievance about a more junior member of staff – if there is an issue of this nature that should be dealt with through normal staff management processes. Nor can a councillor raise a grievance about a member of staff – this should also be managed through normal management processes.

A council has a duty to redress the grievance of an employee promptly and fairly.

A Code of Conduct complaint relates to behaviour by an individual who may have breached the formal Code regulating the behaviour of councillors or the separate Code for officers. Behaviours that are unacceptable are set out in the Codes of Conduct. A Code of Conduct complaint against a councillor is dealt with by the Public Services Ombudsman for Wales and cannot be dealt with by the Community or Town Council under the statutory framework. However, One Voice Wales has developed a 'Model Local Resolution Protocol' for dealing with low-level complaints about members which the PSOW supports (see later in this guidance).

The Code of Conduct for officers forms part of an employee's terms and conditions of appointment. A complaint that an officer has failed to comply with the Code of Conduct is a disciplinary matter for the relevant Community or Town Council. The Ombudsman has no power to investigate a breach of the employee Code of Conduct. That said, where the alleged conduct results in potential maladministration by the Council, that aspect may fall within the Ombudsman's powers to investigate a complaint by the person directly affected.

What should you do to resolve the complaints in the first instance?

In either case attempts to resolve matters informally should always be attempted before any formal process is contemplated. Ways of doing this can be as simple as an open and frank discussion or a more involved facilitated mediation. In these situations, nobody has anything to lose by trying to resolve a situation before it escalates.

Raising a formal complaint is not something that can or should be undertaken lightly. Even the most justified complaints damage relationships in the workplace in both the short and longer term.

Making Complaints to the Public Service Ombudsman for Wales (PSOW)

The Ombudsman considers that resources should not be used to investigate matters which are trivial, or which have little or no impact on the public. It is important that PSOW focusses its investigations on matters that are serious and have the potential to undermine the relationship between councillors and the public they serve, such as corruption, bullying and misuse of power in public office.

The Ombudsman uses a two-stage test when receiving complaints about breaches of the Code.

The two-stage test

The process requires the application of a two-stage test. Where she is satisfied that a complaint is supported by direct evidence that a breach has taken place, initially the public interest is considered in deciding whether a complaint against a councillor can and should be investigated. She considers the public interest again during an investigation to ensure that it should continue and, finally, again, when determining whether a matter should be referred to a Standards Committee (SC) or to the Adjudication Panel for Wales (APW) for consideration.

There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).

The published public interest factors the Ombudsman considers are set out below:

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense

- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

It is clear therefore that councillors or Clerks making a complaint about harassment or bullying should ensure that there is sufficient evidence to support its consideration in terms of the impact on the individual concerned and how it may impact on the work of the Council and in turn the services delivered to the town or community. It goes without saying that witnesses who may be able to support a complaint should be identified in any complaint or statements in support of allegations should be provided to support the complaint.

Considerations

Then taking any of the above factors into account, relevant considerations can include the circumstances of the complaint; the extent to which the councillor was responsible for, or was to blame for, the alleged breach; whether the alleged conduct was premeditated and/or planned and whether the alleged conduct has caused harm or impacted on another person, group or body. Views expressed by the complainant, or any other person affected by the alleged conduct, relating to the impact and effect should also be considered. Other considerations may be:

- whether there is evidence of previous similar behaviour on the part of the member
- whether the Councillor has been the subject of any previous complaints or investigations, or been referred to the Standards Committee (SC) or the Adjudication Panel for Wales (APW) for a similar matter? Is the alleged conduct ongoing, repeated or is there evidence of escalating behaviour?
- whether the investigation or referral to an SC or the APW is required to maintain public confidence in elected members in Wales
- whether investigation or referral to an SC or the APW is a proportionate response. Consider whether it is likely that the breach would lead to a sanction being applied to the member and whether the use of resources in carrying out an investigation or hearing by an SC or the APW would be regarded as excessive, when weighed against any likely sanction.

Public interest will not be decided based on resource alone, but this is a relevant consideration when making an overall assessment. A balanced view should be taken and consideration of the outcomes of previous cases considered by SCs across Wales and the APW will be helpful in achieving this.

The list is not exhaustive and not all factors will be relevant to every case.

The role of the Council and Chairman

The legal position

Councils as employers are responsible for preventing bullying and harassing behaviour. It is in their interests to make it clear to everyone that such behaviour will not be tolerated — the costs to the business of the Council may include poor employee relations, low morale, inefficiency and potentially the loss of staff. An organisational statement to all councillors and staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others.

Councils are encouraged to adopt a policy setting out its expectations and approach to dealing with identified cases of bullying and harassment by individual councillors towards other councillors and employees and relating to bullying and harassment by employees. One Voice Wales and the SLCC can provide model policies to assist Councils.

The Code of Conduct

The Public Service Ombudsman for Wales has published guidance to assist councillors understand their obligations under the Code. The guidance makes it very clear that bullying and harassment constitutes a breach of the Code. The guidance can be accessed from the following web-link:

<https://www.ombudsman.wales/wp-content/uploads/2021/05/Code-of-Conduct-Guidance-Community-Councils.pdf>

One Voice Wales has also provided member councils with a model informal resolution process which can be used to deal with low level complaints from employees (other than the Clerk) against councillors and from councillors against councillors. The Ombudsman is very supportive of this process and encourages all councils to adopt it and use it whenever possible to resolve issues at an early stage before problems escalate. Wherever possible consideration should be given to using the informal resolution process which will enable the following matters to be considered in a more timely way and enable the individuals concerned to reach an appropriate form of agreement which is mutually acceptable. Those matters that are suitable for local resolution are:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing
- Repetitive low level and frivolous complaints

Please note that even when a council has adopted an informal resolution process these are only appropriate for these types of complaints and the Ombudsman may decide to investigate any cases which the Ombudsman considers raise more serious matters.

The role of the Chair of a Council

It is the Chair's responsibility to preserve order in the conduct of those present at meetings of the Council. It is also likely to be the case that the Chair will be the person whom the Clerk will approach for information about the Council and the community/town, to seek to informally discuss matters with and informally consult on decisions that are in the Clerk's remit to make or pass back to a formal meeting. In the context of the formal role at meetings, the Chair has a duty to ensure that the behaviour of members is appropriately monitored and if there are clear examples of bullying or harassment relating to councillors or the Clerk, the Chair should warn those concerned to desist from such behaviour. In extreme cases, the Chair or any other member can put a motion to the meeting to expel a councillor from the meeting.

The Council's Values and Beliefs

Although cases of bullying and harassment in Councils are probably limited to a minority of Councils it may be helpful for all Councils to consider adopting a values and beliefs statement that demonstrates to both councillors, employees and the public its position in relation to human interrelationships within the Council. Some examples are: -

Example 1

Trust and respect

We trust residents to make choices and decisions that are best for them. We will help when we are needed. The way we work together as staff, councillors, and partners reflects trust and respect for each other.

Pride

Our elected councillors and our staff are proud to work for us. They are committed to making our town a great place to live, and even a better place to do business.

Working as a team

The way we work together as councillors and staff makes sure we are the best we can be. We avoid duplication, tackle inefficiency and improve services and experience of residents and customers.

Being valued

We recognise our many responsibilities for keeping the area and our residents safe and prosperous. We recognise our councillors and staff for their contribution and for our success.

Example 2

Leadership - Councillors are elected to represent their communities and to lead on issues that will affect the lives of local people.

Integrity – operating with integrity, being ethical, trustworthy and reliable and treating others with respect.

Tenacity/ Persistence – work proactively to achieve the decision of the Council even if it takes a long time and a great deal of effort.

Communication – to give the public the opportunity to ask questions and engage with the Council, and to publicise the work of the Council.

Strong financial management – to ensure that the Council's resources are managed effectively and efficiently, at least cost, yet maintain quality.

Training – to support relevant training for Councillors and staff members.

Working as a corporate body – to respect decisions made democratically

These would serve to ensure that the Council is observing the ten principles that underpin the Code of Conduct which are:

A) Selflessness - Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

B) Honesty - Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

C) Integrity and Propriety - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

D) Duty to Uphold the Law - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

E) Stewardship - In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

F) Objectivity in Decision-making - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

G) Equality and Respect - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless

of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

H) Openness- Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

I) Accountability - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

J) Leadership - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the Council's statutory officers and its other employees.

Ledbury Town Council Judicial Review 2018 and its relevance in Wales

Introduction

Although the Ledbury case was a judicial review in England the decision's underlying principles are relevant to Wales and are founded in the legislative framework and the Code of Conduct in Wales. Caselaw such as the Heesom and Calver cases also provide useful context for the application of the Code in Wales.

The Ledbury Case

The case arose after the Clerk & Deputy Clerk raised grievances about the conduct of two councillors. It was alleged that the councillors were bullying and harassing staff and preventing them from carrying out their duties. The grievances were investigated by the Council's advisor and the grievances upheld. The councillors appealed the outcome of the grievance.

Cllr Harvey believed that the matter was purely a Code of Conduct matter and self-referred to the Monitoring Officer. In May 2016, the Town Council put in place measures that restricted Cllr Harvey's access to the Clerk and Deputy Clerk, removed her from committees and outside bodies, prevented her from acting as a substitute for another councillor and informed other bodies of its decision.

On 11th May 2017 the Council resolved to maintain and extend the prohibitions. Shortly after that the Monitoring Officer confirmed that the investigation of Cllr Harvey's self-referral had concluded there was no breach of the Code.

What were the issues at Judicial Review?

Cllr Harvey challenged the 11th May 2017 decision on the grounds that the decision was ultra vires as it should have been dealt with as a Code of Conduct complaint by the Principal Authority and not an internal grievance.

She also claimed the decision was substantively unfair as it breached her Article 10 rights to freedom of expression or substantively unfair at common law.

She further claimed procedural unfairness through the absence of investigation, detail of complaints about her, failure to disclose the full evidence to the Council and its failure to allow Cllr Harvey to defend herself.

The Council's view was that it was acting to protect its staff and that it had the powers to do so.

The Decision

The Court agreed that the correct process for dealing with councillor behaviour is through the Principal Authority and the Code of Conduct under the Localism Act 2011. This follows the reasoning in previous cases and to a certain extent could have been expected as an outcome.

The Court while not having to consider the second and third issues found some of Cllr Harvey's argument persuasive. The discussion in the judgement providing useful guidance.

Implications of the Judicial Review

Where a complaint relates to the conduct of a councillor in Wales and falls into the provisions of the Council's Code of Conduct, the Council can and should attempt to resolve it informally. If this informal approach fails then it may be passed to the Public Services Ombudsman for Wales (PSOW) as a local council has no powers to deal with the matter. Where the PSOW investigates a complaint and decides that the complaint should be referred to either a local standards committee or the Adjudication Panel for Wales, where breaches of the Code are found, they may decide to impose a sanction such as censure or suspension on the councillor.

Any complaint about a councillor's conduct should be regarded as a Code of Conduct complaint even if the complainant is an employee and it is raised in a grievance.

A complaint may fall outside the Code of Conduct in which case the Council must carry out or arrange for a proper investigation. There may also be overlapping issues that the Council as an employer should address in addition to any Code of Conduct being considered by the PSOW. The procedure followed must identify the issues in full, separating the issues as necessary. It must also ensure that the subject of the allegations is provided with details of the allegations and evidence so that they can provide a response.

Any subsequent measures taken as the employer must be proportionate and limited to the minimum required to stop the issue recurring. The measures should be kept under regular review and their effectiveness evaluated.

Further Commentary

In the wider context of regulating employment relations between a council and its staff the Ledbury decision does not obviate a council's duty of care towards its employees. Nor does it invalidate the principle of employers' vicarious liability established in the Bude Stratton case. This principle is clear that a council as a corporate body may be legally liable for the actions of individual members.

It is still possible for a Council to protect its employees if done correctly and that Councils have both preventative and reactive protective measures that they can apply. These are:

Preventative

Dignity at work policy

Member Officer protocol (perhaps with limitations on officer contact time)

Good induction of new members and ongoing training for existing members

Good policies to support effective governance

Reactive

Must be temporary (for example pending the decision of the PSOW)

Regularly reviewed

Relevant and proportionate

Not punitive

Still enables a councillor to carry out their role

Make a corporate Code of Conduct complaint – supported by/supporting the employee

Support for Councils and Clerks

There are several available sources of support including:

Mediation

In some cases, it may be appropriate to consider engaging an external mediator to assist in the handling of complaints relating to bullying and harassment. There are a range of sources of this form of service and One Voice Wales does engage a qualified consultant who can assist in such cases.

Training of Members

One Voice Wales offers six training courses that are relevant in this context and they are:

Code of Conduct

Council as an Employer

Equality and Diversity

Effective Staff Management

Mediation Skills

The Councillor

Support available for individuals

SLCC members can access a wide range of training and personal development opportunities which can support them. By developing their professional skills and knowledge they can equip themselves to better manage some of the demands of their role. Available opportunities include ILCA, CiLCA, the Community Governance degree, and continuing professional development courses.

SLCC members also have access to a free counselling service to provide individual support when they are experiencing distress in their personal and professional lives. Details of this can be obtained by logging into the SLCC website.

In addition to this SLCC members who are also members of the Association of Local Council Clerks are entitled to individual employment advice and support from the trade union. Details of this can be found at www.alccunion.co.uk. Clerks may also be members of other trade unions who can offer individual employment advice and support.

Making a complaint and evidencing it

One Voice Wales and SLCC are aware that bullying and harassment allegations have primarily originated from Clerks in several Councils in Wales and in all cases, it has related to the approach of individual councillors rather than the Council. We are also aware that Clerks who have submitted complaints to the Public Services Ombudsman for Wales have often been dissatisfied with the result that the case has not been investigated. This has occasionally resulted in councillors often wrongly assuming that they have been exonerated. In those cases where Clerks have not been able to resolve such issues within the Council itself, the following checklist has been put together to assist them in formulating any complaint they may wish to submit to the Public Services Ombudsman for Wales.

Making a Complaint of Bullying and/or Harassment Checklist

Factual Evidence

- Can you document the dates, times and location?
- Do you have any witnesses who will support you?
- Are the witnesses prepared to write and sign a witness statement to accompany your complaint?
- Are the witnesses prepared to be interviewed if an investigation is undertaken by the PSOW or by the Council in the case of a grievance?

Read and Understand the Code of Conduct

- Identify which parts of the Code have been breached and how
- Explain how you consider the member has breached the Code

Collection of Written Evidence

- E-Mails
- Letters
- Memos
- Comments on social media
- Other

What support has been provided to you

- Staff
- Chairman/Mayor
- Other Councillors
- SLCC
- ALCC/ trade union

What is the impact on you personally

- Feeling undermined
- Illness (Describe)
- Absence from Work

Conclusion

The purpose of this guide is to help Councils and their employees develop a greater awareness and understanding of what constitutes unacceptable behaviour, the impact it can have on individuals and the Council as a whole and above all, what steps can be taken to address such issues when they occur.

Useful Links & Materials

OVW website - www.onevoicewales.org.uk

SLCC website - <https://www.slcc.co.uk>

PSOW website - <https://www.ombudsman.wales>

ALCC website - <https://www.alccunion.co.uk>

PERSONNEL COMMITTEE	6 FEBRUARY 2023	AGENDA ITEM: 8
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CAPABILITY AND PERFORMANCE MANAGEMENT OF STAFF

Report Author

Emily Forbes, Chief Officer

Purpose of Report

This report sets out the Council's historical Capability Policy adopted in 2011 and reviewed in 2018. A new Policy and CIPD Flowchart is required to update the Council's policy framework and is provided for members' review and comment and recommendation for adoption.

Detailed Information

The current policy and procedure is limited and lacks detail and a clear set of instructions on how to manage capability and is set out below as a reminder to Councillors:

Capability Policy

Barry Town Council recognises the role of its employees in providing a high quality service to the community. The Council will therefore recruit employees of the highest quality and then assist them in achieving their full potential with training and development, measured job profiles, regular meaningful appraisals and personal development plans.

It is recognised that there will be occasions when, for a variety of reasons, an employee does not meet the required standard and the Council will therefore follow the ACAS code of conduct and all relevant employment legislation with the employee

Capability Procedure

All employees will have an up to date, agreed, job profile covering their responsibilities and detailing the standard at which they are expected to perform. All employees will have a formal performance appraisal interview with their line manager at least every 12 months and interim informal meetings will take place as appropriate as part of the Council's Performance Management Process

Monitoring performance

All line managers have the responsibility to ensure that the performance of their staff is up to the agreed standard and action should take place immediately the standard is not being achieved.

Initial action

The line manager should arrange an informal discussion with the employee to discover why their performance is not up to standard.

The reasons may be:-

- Lack of skill or knowledge

- Training or refresher training required
- Excessive work load
- Inadequate resources
- Personal issues

The manager should identify and prioritise the reasons and take the appropriate action e.g. arrange suitable training, look at the resources available etc. The line manager should put in place a timescale for improvements and continue to monitor performance. A record of the meeting should be made together with the agreed timescales and future monitoring feedback sessions. This record should be signed by both parties and placed in the employee's personnel file.

If at the end of the agreed timescale the employee's performance has returned to the agreed standard no further action apart from the regular performance reviews will be needed. The records should be removed from file and archived.

Subsequent action

If the employee fails to reach the agreed standard of performance despite the above assistance the matter becomes a formal issue and the Council's Disciplinary Procedure must be invoked.

A reviewed Policy, Procedure and Flowchart is attached using best practice templates.

Recommendation

RECOMMENDED: To a meeting of Full Council on 13 February 2023 that the new Policies are adopted and consulted on with staff and Unions for a 2 week period.

BARRY TOWN COUNCIL CAPABILITY PROCEDURE

1. Introduction

The aim of this procedure is to ensure that employees whose performance is unsatisfactory due to lack of skill, knowledge, experience or aptitude are treated fairly, whilst maintaining the high operating standards of the Organisation.

The Capability procedure should be followed when problems arise which call in to question the capability of an employee to perform the duties which he/she was employed to undertake.

A clear distinction should be made between sub-standard performance, which is due to negligence, and that which is due to the lack of ability, skill, knowledge, experience or aptitude. Negligence will usually involve some measure of personal blame in that the employee is capable of doing his or her job, but the level of performance is inadequate, due to lack of motivation or attention. Issues of this nature should be handled through the stages of the disciplinary procedure. Lack of skill, knowledge, experience or aptitude should be treated from a different view point.

The Capability Procedure is intended to compliment the Organisation's Appraisal Scheme, Sickness Absence Procedure and as part of its Performance Management responsibility.

2. Principles

The Organisation requires high standards from its employees in order to provide an efficient and effective service to its clients/customers, etc.

Managers have a responsibility to make clear to employees the standards required of them in terms of work performance and objectives. Employees have the responsibility to achieve and maintain these standards.

The Organisation will endeavour to ensure that all employees are adequately trained and competent to undertake their duties. Where these standards are not satisfied, support will be offered to achieve the appropriate standards where informal methods are not successful.

The procedure provides a framework for dealing with lack of capability related to an individual's competence to meet the required standards of performance, on a fair and consistent basis, and aims to improve individual effectiveness using a problem-solving approach. Help, advice, opportunity and time will be given to the employee in order for them to improve their performance and meet the standards required.

The Procedure applies to all staff directly employed by the Organisation.

Unacceptable performance arising from deliberate or wilful lack of care, attention or negligence rather than as a result of the lack of necessary skills or aptitude will be addressed appropriately through the Organisation's Disciplinary Procedure.

3. Causes of Poor Performance

Unacceptable performance may be due to lack of skill, aptitude, experience, knowledge, poor health (physical and mental health) all of which can affect the capability of the individual to perform in their job satisfactorily. Such problems can occur through:

- Unsatisfactory application of the recruitment and selection process.
- Lack of proper training and development, to allow the employee to achieve the required standards. This should be reviewed regularly at least annually as part of the Appraisal Scheme to meeting changing demands.
- Insufficient understanding of the role the employee is expected to perform due to poor or inadequate guidance or induction.
- The employee not having the range of experience, skills or knowledge necessary to perform effectively in their role.
- The employee's working conditions and/or access to equipment/information which may be such as to impair the efficient performance of their duties.
- Inadequate staffing levels and skill mix.
- Issues associated with health including those related to drug and alcohol misuse. Such problems should be dealt with under the appropriate Organisational policy.
- Issues associated with an individual's domestic situation. Employee's should be supported appropriately and sensitively depending on the issues.
- Harassment or bullying. Action will be taken under the appropriate Organisational Policy(s).

(This list is not exhaustive)

4. Informal Stage

Before resorting to the formal procedure, the manager will ensure that proper guidance, advice and, where appropriate, training has been given and that adequate time has been allowed for the employee to overcome the difficulties that they have been experiencing.

Where an employee's ability to perform the duties of his/her post satisfactorily is in question, their manager will discuss the matter first informally at a 1:1 meeting (either a Let's Talk, a Supervision, or an Appraisal).

The nature of the problem will be described and reasons explored. The employee will be given an opportunity to give an explanation for the unsatisfactory performance. An action plan to address unsatisfactory performance will be developed and agreed jointly with the employee. The action plan will address the causes and will include the following:

- Make the employee aware of the standards to be addressed.
- Clarify tasks to be completed.
- Set a realistic timescale for improvement.
- Identify necessary training and/or supervision.

- Include regular monitoring meetings.
- Clarify the appropriate method of monitoring performance.

A **Performance Improvement Plan** template is below:

Define the Task, skill or competence that needs to be reviewed or improved	Improvement needed and the standard expected	Monitoring period and date for review	Additional information, support or training required, by whom, by when

Signed by employee: _____ Date: _____

Signed by line manager: _____ Date: _____

The broad content of the meeting and the actions required to take will be confirmed in writing, either through notes or email follow up. The employee will also be informed of the possible implications of not achieving the required standards. A record will also be kept of any monitoring meetings as they may need to be referred to at a later stage.

A review meeting will be held at the end of the agreed timescale. If satisfactory improvement is achieved and maintained, no further action will be taken and performance will continue to be monitored as part of the usual 6 mth and 12 mth Appraisal Scheme.

If standards have not been achieved and/or maintained, the reasons will be explored and consideration given to extending the time period. If appropriate, otherwise the employee will be invited to attend a formal Capability Hearing.

5. Rights of the Employee

The employee will have full access to a copy of the Capability Procedure at the informal stage.

- Senior Managers/Chair of Personnel will manage and chair any formal meetings from this point on.
- Employees have the right to be accompanied at formal hearings by a Trade Union Representative, colleague or friend who is not acting in a legal capacity. It is the employee's responsibility to obtain representative, colleague or friend.
- The employee will be given reasonable written notice of the hearing, setting out the date, time, venue, nature of unsatisfactory performance being considered and their right of representation. At least five working days' notice will be given to enable the employee to prepare their case and to arrange representation.

- The employee will be given copies of all written statements, and relevant documents.
- The employee has the right of appeal against formal warnings imposed

6. Formal Capability Procedure

While the principle objective of the Capability Procedure is to help an employee to overcome their difficulties it is nevertheless essential that they are made fully aware of the consequences of not achieving and maintaining the standards set.

The formal capability procedure will comprise of the following stages:

- Stage 1 - Verbal warning (letter –live for 3 mths)
- Stage 2 - First Written warning (kept live on file for 6 mths)
- Stage 3 - Final Written warning (kept live on file for 12 mths)
- Stage 4 - Dismissal

Consideration will be given to the causes of unacceptable performance together with what help and support has been offered in the past and what more the employee can reasonably expect in order to overcome their difficulties and in what timescales.

In handling unacceptable performance any warnings will normally be issued progressively, however depending on the circumstances a written warning or a final written warning may be issued without any previous action having been taken under the Capability Procedure. This will most commonly occur where the unacceptable performance is likely to have serious consequences on service delivery or the financial security of the Organisation is at risk and the level of performance cannot be remedied by training in a reasonable period.

Suspension from duty or a temporary transfer to other duties, or redeployment or demotion may be required in such exceptional circumstances.

7. Outcomes

Any warning given will be by a Senior Manager / Chair of Personnel

Any warning given should last three months to allow sufficient time for improvement. However, these periods may be longer or shorter depending on the circumstances.

In circumstances where a warning has proved ineffective and an improvement in performance seems unlikely, the employee should be encouraged to seek alternative employment where it is both suitable and available.

Where alternative employment is offered within the Organisation the employee will receive a formal written offer giving details of the alternative employment and the duties required in it for consideration, before either party commit themselves to the new job contractually. It will be made clear that they are expected to reach the required standard of performance within an agreed period otherwise the Capability Procedure will be once again invoked.

Alternative employment, if offered as an alternative to dismissal, does not have to be equivalent to the current post nor be at the employee's current level/pay. There will be no right for the employee to have their current earnings level protected.

Refusal of redeployment or demotion will result in termination of employment.

All decisions will be confirmed in writing to the employee within 3 working days of the hearing.

Copies must be retained by the Manager for the agreed review period as well as being placed on the personnel file.

No employee will be dismissed for a first discussion about their performance.

8. Review and Monitoring Period

The Senior Manager who issued the warning should ensure that the terms of the review and monitoring period are adhered to. They need to undertake this themselves or delegate it to the employee's manager.

The Review will be conducted in a manner which encourages the employee to improve. The employee will be encouraged to discuss areas of concern as they arise during the course of the review period.

The Manager will ensure that any agreed training is given and its effectiveness discussed with the employee.

At the end of the review and monitoring period, if the manager is satisfied that the employee has reached the required standard of performance, then they will confirm this in writing to the employee, their representative (if applicable) and retain a copy on the employee's personnel file. The letter should contain a reminder that the performance level reached should be maintained.

In the event that the employee still fails to reach the required standard of performance at the end of the review period, then a further formal hearing should be arranged under the terms of the Capability Procedure.

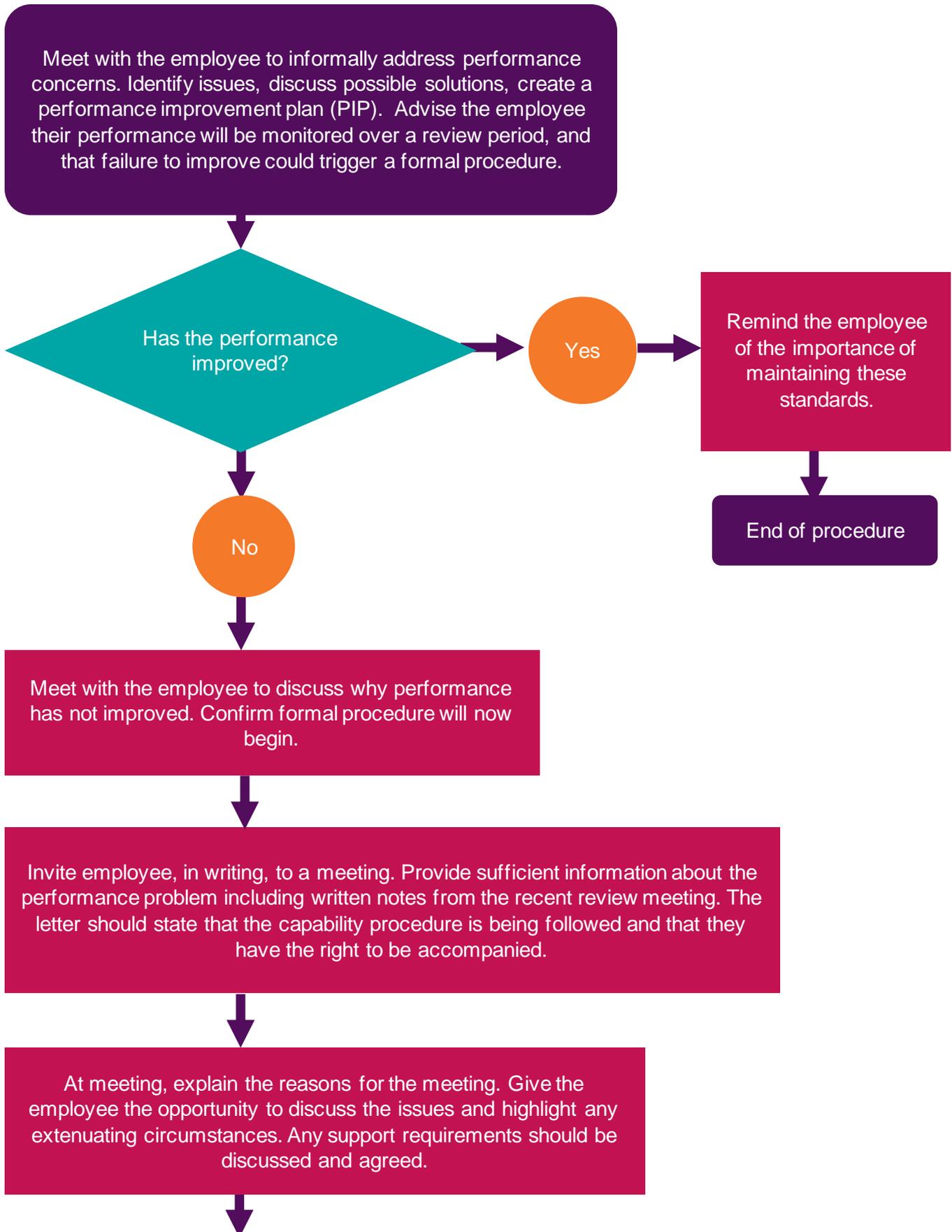
In exceptional circumstances, where it seems obvious to the manager that, in spite of warnings and counselling, the employee is never going to be able to reach the required standard of performance, then the review date may be brought forward.

Any records relating to warnings in a personnel file will not be viewed as current after a period of one year from the date they were imposed.

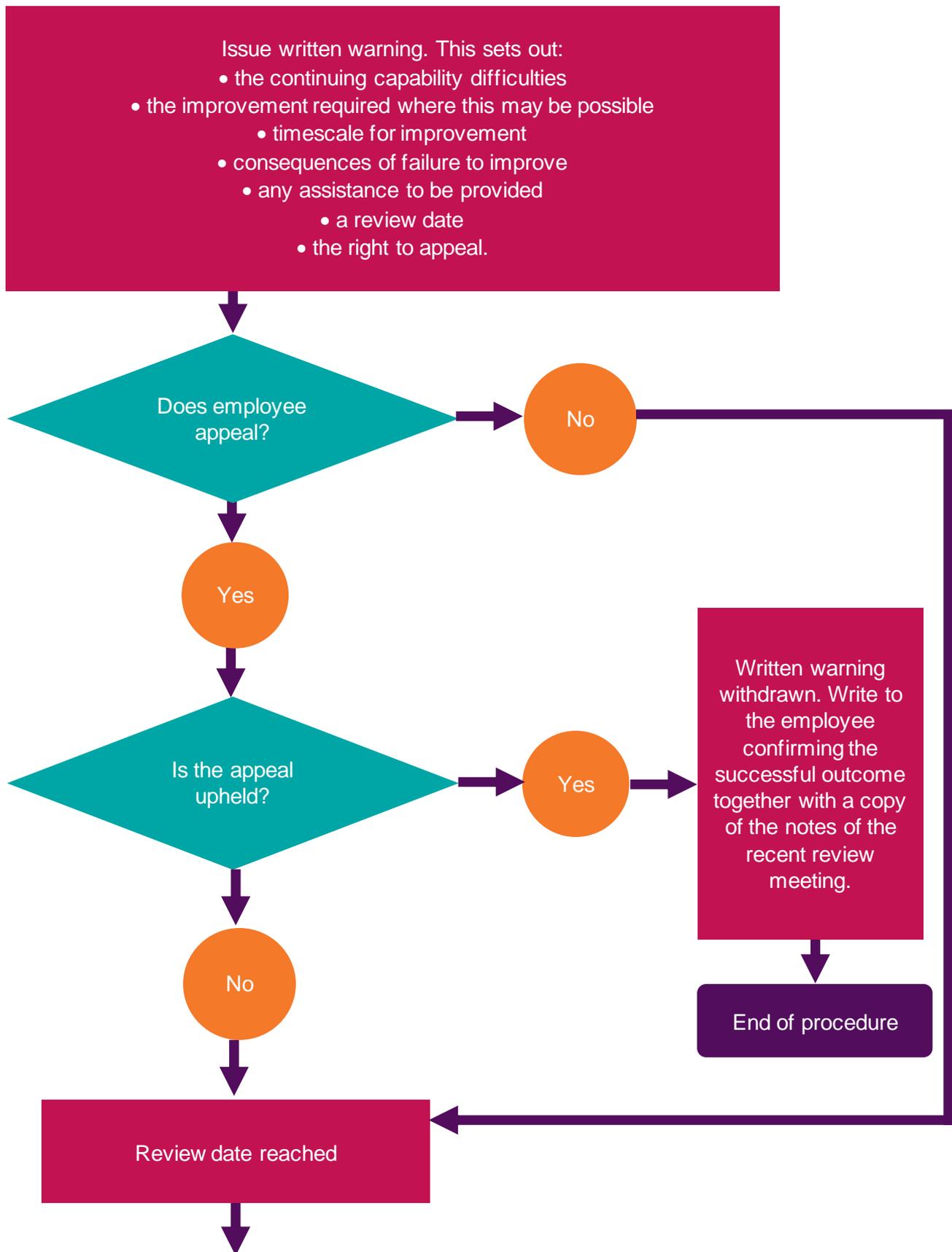
9. Appeals

All employees have the right of appeal against all warnings.

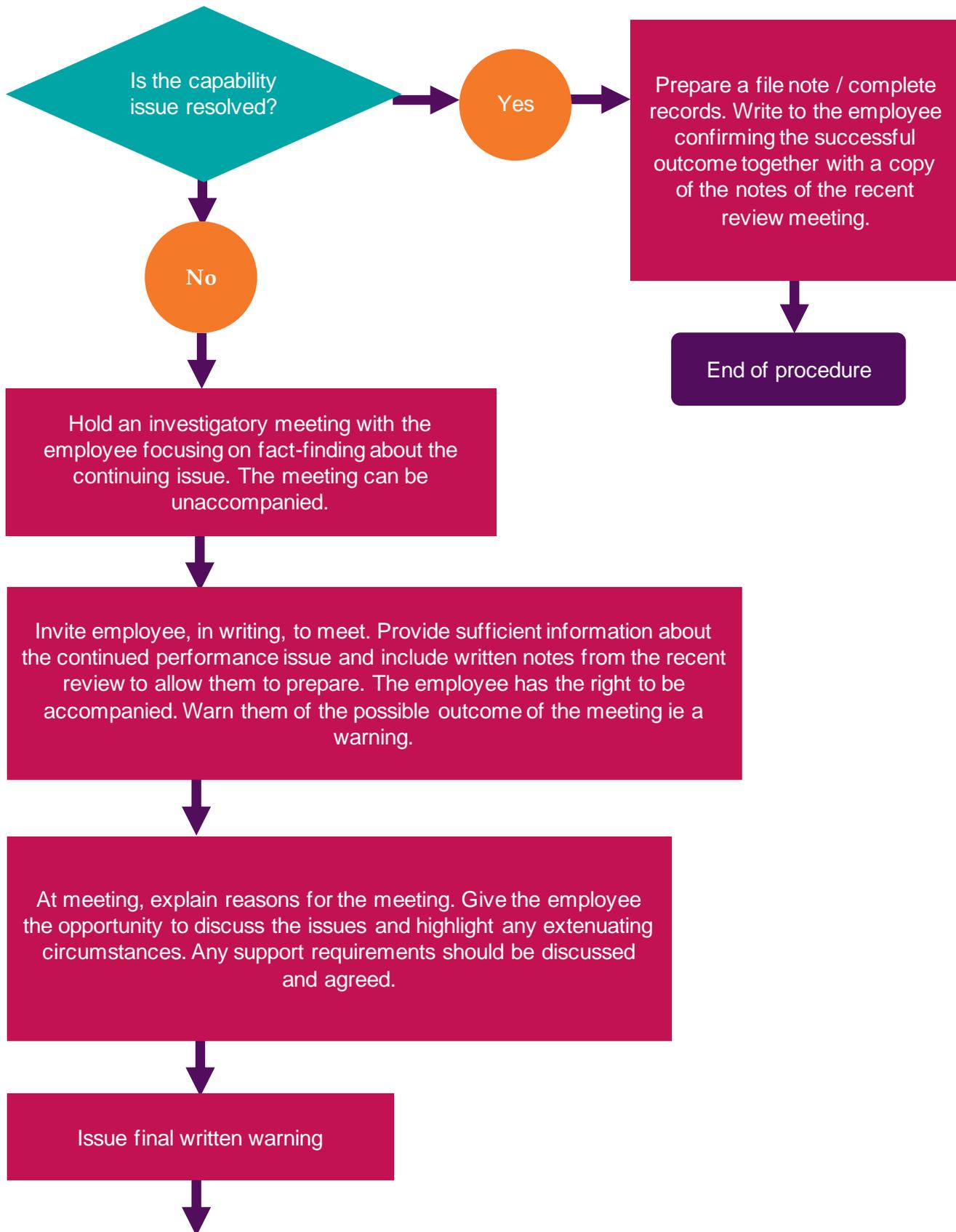
Capability procedure – performance related



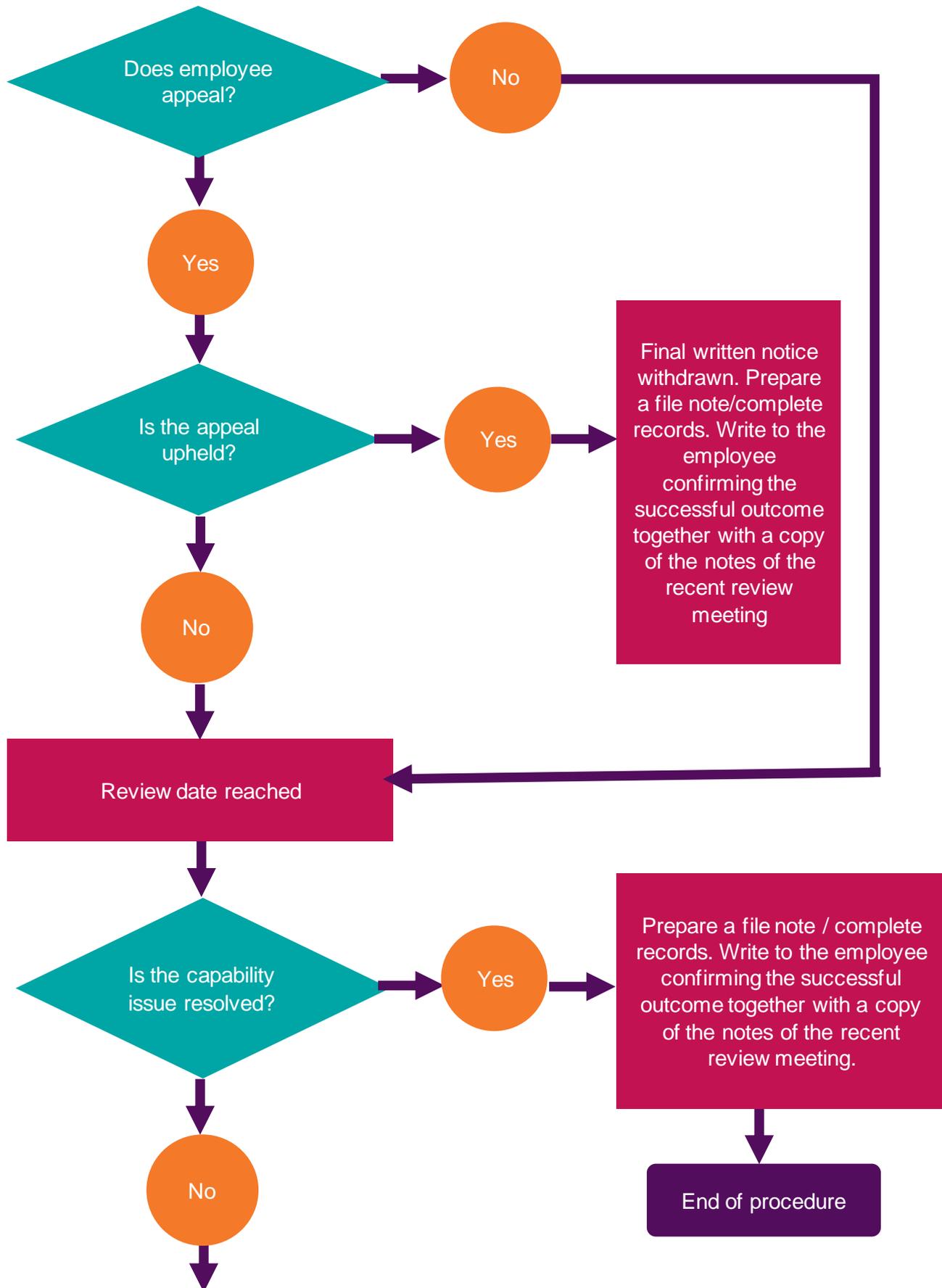
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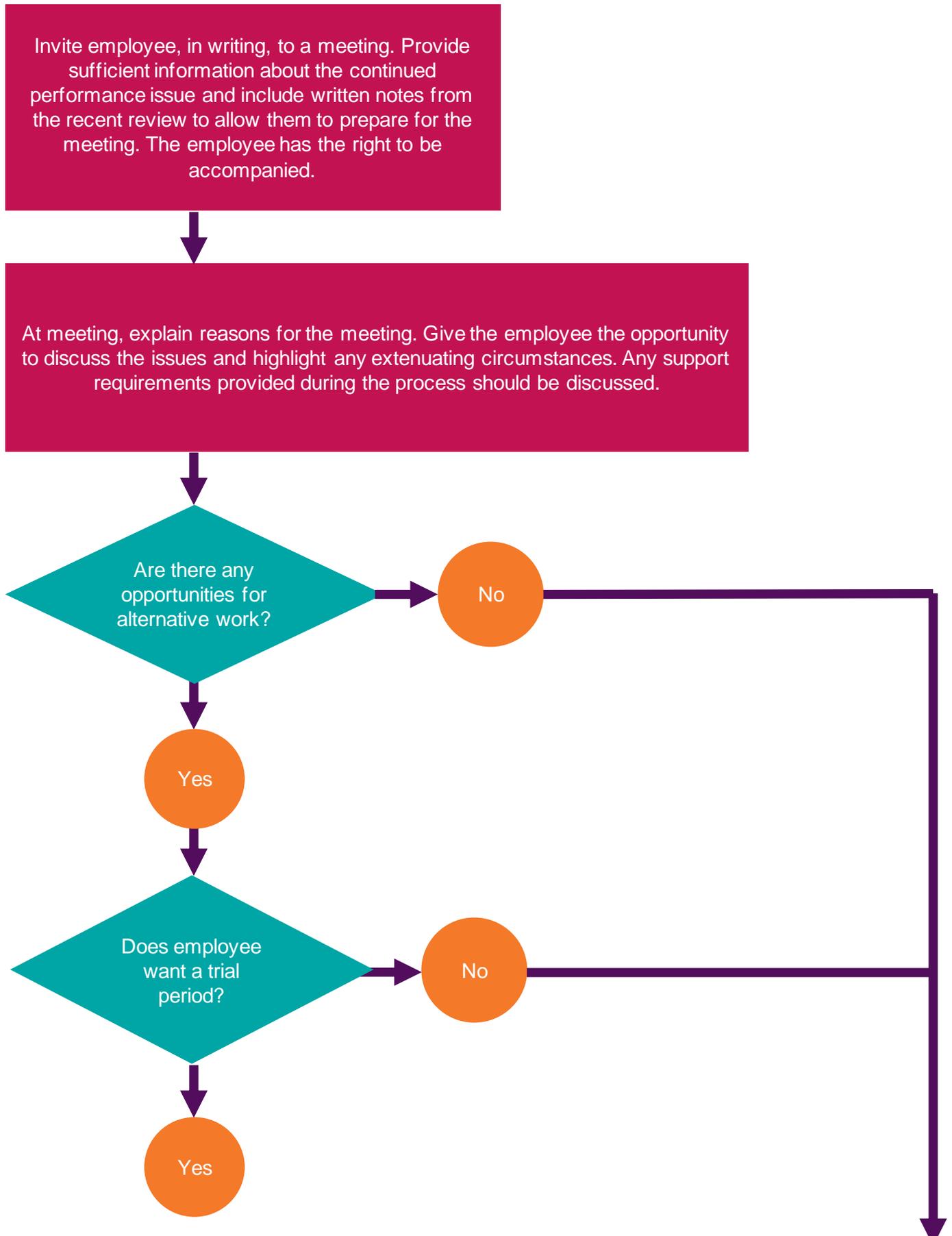
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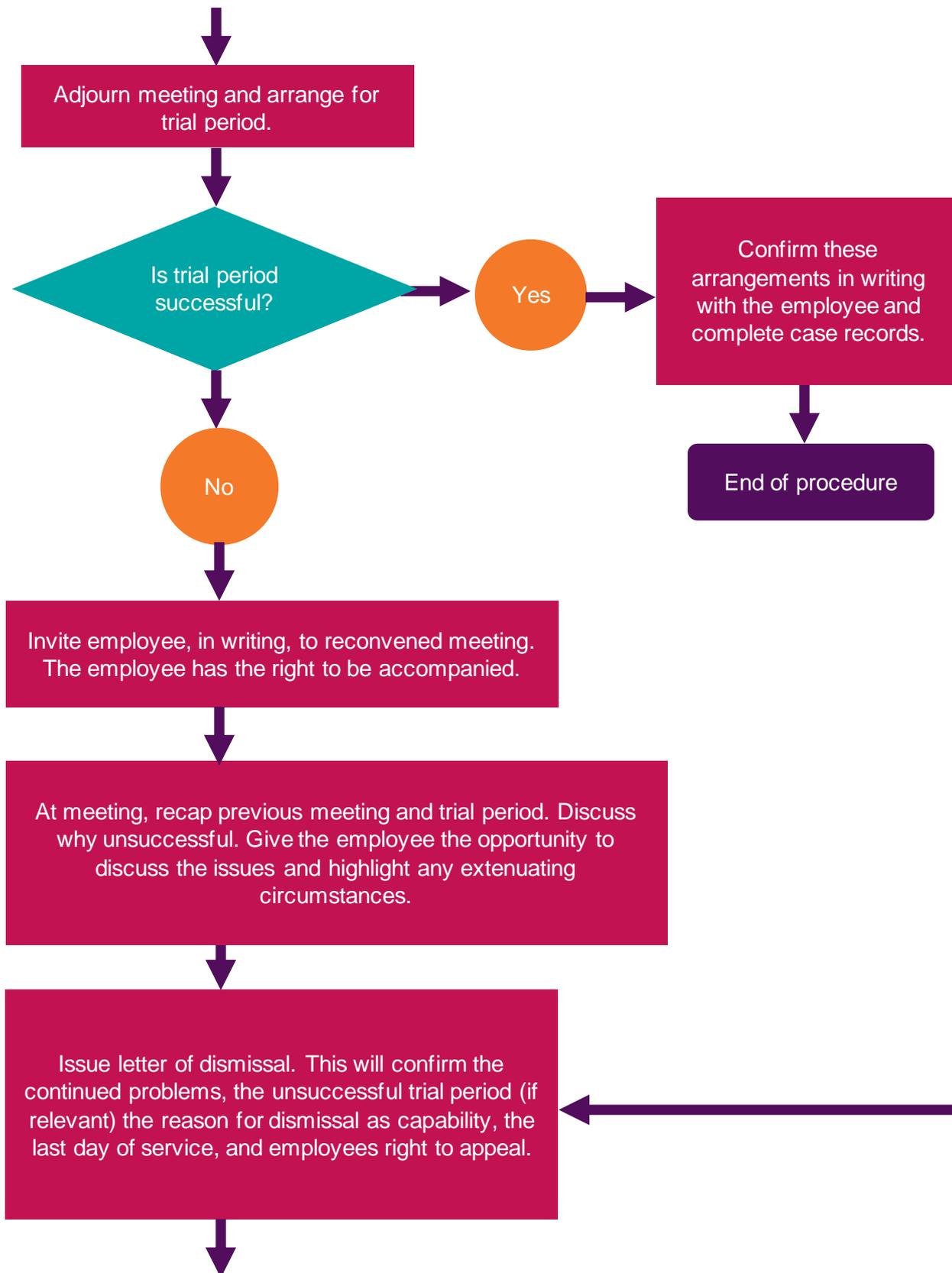
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Capability procedure – performance related

