

TYDD ST GILES PARISH COUNCIL

Parrock View, 358 High Road, Newton-in-the-Isle, PE13 5HS

Tel 01945 870083 ~ Mobile 07932 191050 ~ Email clerk@tyddstgilesparishcouncil.org.uk

Clerk D Gibbs

2nd November 2023

To Members of the Public and Press

You are invited to attend a Meeting of Tydd St Giles Parish Council, which will be held in the Community Centre on **Thursday 9th November 2023 at 7.30pm**, for the purpose of transacting the following business.

A period not exceeding 15 minutes is made available at the beginning of the meeting, where residents so require, to enable a Public Forum to take place.

Yours sincerely

D Gibbs

Clerk/Proper Officer

A G E N D A

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

Apologies for Absence

To receive and consider apologies for absence on behalf of those members not present.

055/23 Chairman's Announcements

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

056/23 Public Forum

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

057/23 Urgent Items

The Chairman to report upon additional items for consideration which the Chairman deems urgent by virtue of the special circumstances now specified.

058/23 Confirmation of Minutes

To consider and confirm the minutes of the Parish Council meeting held on 14th September 2023

059/23 Matters Arising

To receive updates on the following items:

- a) Drainage issues - minute 043/23(a)*
- b) Sewage pumping plant - minute 043/23(b)*
- c) Bus service - minute 043/23(e)*
- d) Trees in Hannath Road - minute 040/23*
- e) Carveley's Lane - minute 049/23(a)*
- f) Hockland Road pavement barrier - minute 049/23(b)*

- g) *Highway weed killing - minute 049/23(c)*
- h) *Sapphire Close - damage to vacant property - minute 049/23(d)*
- i) *Benches by village sign - minute 049/23(e)*
- j) *Food waste processing plant - minute 049/23(f)*
- k) *Hedgehog Highway project - minute 049/23(h)*

060/23 Police Matters

To receive a report on policing matters in the area since the last meeting.

061/23 Cambridgeshire County Councillor Report

To receive a report from Cllr Simon King.

062/23 Fenland District Councillor Report

To receive reports from Cllrs Brenda Barber, Samantha Clark and Chris Seaton.

063/23 Clerk’s Report

To receive a report on meetings attended and correspondence received.

064/23 Reports from Members

To receive updates on the following matters from the Clerk and members of the Council:

- a) *Cllr Allen - Communications, Foul Anchor & Four Gotes*
- b) *Cllr Carter - Community Centre and Play equipment*
- c) *Cllr Connell - Highways*
- d) *Cllr Malin - Armed forces, flooding, Kinderley School*
- e) *Cllr Renshaw - Public rights of way, churchyard, trees*
- f) *Cllr Slade - Street lights, parish assets*

065/23 Member and Parishioner Issues

To discuss the following matters brought to the attention of the Council by Members or Parishioners:

- a) *Roadside verges - alternative management arrangements*
- b) *Department for Health & Social Care Community Defibrillator Fund application*
- c) *Kirkgate hedge removal outside new properties*
- d) *Local Highway Improvements funding - consideration of a project for 2024/25*

066/23 Finance

- a) *To receive an updated financial statement for the period to the end of October.*
- b) *To note the following sums received since the last meeting:*

Fenland District Council (precept).....	£ 7,500.00
R Horspool (rent).....	£ 2,883.58
H and C Howlett (rent)	£ 4,374.87
Fenland District Council (recycling credits).....	£ 132.30
Barclays Bank (interest).....	£ 55.74

- c) *To ratify the following payments issued since the last meeting:*

NEST (pension contributions)	£ 277.60
HMRC (national insurance).....	£ 5.41

- d) *To approve the following payments:*

D Gibbs (salary October and November plus backpay)	£ 1,737.69
The CGM Group (East Anglia) Ltd (grounds maintenance)	£ 384.78
Tydd St Giles CC & RG (hall hire)	£ 116.00
Brigstock & Wren’s Charity (rent)	£ 135.00
Royal British Legion Wisbech (poppy wreaths).....	£ 40.00
CPRE (subscription)	£ 36.00

- e) *To note the closure of the Barclays Bank accounts and the transfer of the remaining funds to the National Westminster bank accounts.*
- f) *To consider potential projects for inclusion in the budget for 2024/25.*

067/23 Policies and Procedures

- a) *To review the following policies and procedures and amend or re-adopt as required:*
 - i) *Complaints Procedure*
 - ii) *Grievance Policy*
 - iii) *Disciplinary Policy*
- b) *To consider for adoption the following policy:*
 - i) *Safeguarding Policy*

068/23 Confidential Item

To resolve to exclude the press and public from the following item by reason of the confidential nature of the business to be transacted, in accordance with the Public Bodies (Admission to Meetings) Act 1960, paragraph 1(2).

Future management of Council assets

069/23 Date of Next Meeting

*To confirm the date and time of the next meeting of the Council:
Thursday 11th January 2024 at 7.30pm is suggested.*

TYDD ST GILES PARISH COUNCIL

Minutes of a Meeting of Tydd St Giles Parish Council held in the Community Centre on Thursday 14th September 2023

Present - Cllr T Brown (Chairman), Cllr B Allen, Cllr M Carter, Cllr M Connell, Cllr L Slade, Cllr S King (CCC), Cllr S Clark (FDC), Cllr C Seaton (FDC), D Gibbs (Clerk), 15 members of the public

Apologies for Absence - Cllr K Malin, Cllr A Renshaw, Cllr B Barber (FDC)

039/23 Chairman's Announcements

The Chairman welcomed everybody to the meeting and commented that the first Councillor Surgery had been successful. A date for October's Surgery will be announced shortly.

040/23 Public Forum

Mr Minney reminded the Council of the absence of protective barriers where the Drainage Board dyke passes under Hockland Road. The Chairman assured him that this would be rectified shortly. He also mentioned a hazard on the pavement adjacent to the former Methodist Chapel. The Clerk will investigate this.

Mr Cooper reported further issues with the sewage pumping system in Newgate Road. A meeting of all relevant parties has been suggested to discuss the reasons for the repeated failure of this system. The Clerk was asked to contact Clarion Housing Group and the District Council.

Mr Collins asked about progress with the ownership of the protected trees in Hannath Road, Tydd Gote. The Clerk reported that he is working to prove to the County Council that they own the trees.

041/23 Urgent Items

None.

042/23 Confirmation of Minutes

- a) RESOLVED - that the minutes of the meeting held on Thursday 13th July 2023 be agreed and signed as a true and accurate record.
- b) RESOLVED - that the minutes of the meeting of the Planning Committee held on Thursday 17th August 2023 be agreed and signed as a true and accurate record.

043/23 Matters Arising

- a) Drainage issues - The Clerk reported that a contractor has provided a quote for a permanent solution to the drainage issues at a property in Hockland Road and an application will be submitted to the County Council for funding to enable the works to take place.
- b) Sewage pumping plant - See 040/23 above.
- c) CPRE membership - Members discussed an invitation to join the local branch of the Campaign to Protect Rural England at a cost of £36. They resolved to join for a year on a trial basis.

- d) Blackdike Bridge - The repairs have been completed and the bridge has now reopened.
- e) Bus service - The service is now operated by a different company within the Stagecoach Group. The Combined Authority has indicated that discussions will take place with local councils about their requirements, so the Council will meet with representatives of the other six councils served by route 50 to discuss a joint approach.

044/23 Police Matters

The Chairman reported that two meetings have taken place. Speeding in villages remains a priority. The Neighbourhood Team will be back to full strength shortly. Operation Lambretta to deal with theft and anti-social behaviour relating to mopeds and motorbikes, primarily in the Leverington area, has been very successful.

The Clerk encouraged members of the public to gather evidence of speeding and anti-social behaviour and to report it in order to demonstrate the scale of the problem to secure an appropriate response from the Police.

The Police have been asked to attend Kinderley School at the end of the school day to speak to parents about parking and turning around the school entrance.

045/23 Cambridgeshire County Councillor Report

Cllr King advised the Council that a new Local Highway Officer has been appointed for the Parish. A motion will be tabled at the County Council meeting on 18th October seeking a reversal of the decision to stop the spraying of weeds on the public highway. He asked the Council to write in support of this motion. The Chairman confirmed that the Council will be submitting its views on this matter.

The next round of Local Highway Improvement bids opens at the end of October and all community groups are eligible to apply. The deadline for applications is 12th January. Another round of 20mph zone bids will open after the LHI deadline. Other grants available through the Cambridgeshire Community Foundation were included in the report.

046/23 Fenland District Councillor Reports

Cllr Seaton reported that he had attended a meeting of the Combined Authority's Transport Committee. The Authority is committed to a franchising model for bus provision, but more data is needed to implement this. Cllr Seaton explained that he would like to see a Rural Bus Strategy and more consideration of the roles of the Fenland Association for Community Transport and other small operators. The Chairman stated that there is a need for reliable services to meet the needs of residents. Cllr Seaton questioned whether the Combined Authority has sufficient understanding of the needs of rural communities.

047/23 Clerk's Report

The Clerk reported on meetings attended and correspondence received, including a call for applications for community gritting schemes, consultations from the District Council on involvement in planning decisions and the Walking, Cycling and Mobility Aid strategy, the timetable for the decision on the Wisbech Incinerator application, and invitations to the ACRE AGM, the Flood Groups conference, an Action on Energy event and the District Council's Chairman's Charity Coffee Morning.

048/23 Reports from Members

- a) Communications - Nothing to report.

- b) Highways - The Clerk reported that preliminary conditioning works had been completed in Hannath Road in readiness for surface dressing next year and the hedgerow overhanging Hannath Road in Tydd Gote had been cut back away from the carriageway.
- c) Street Lights - No progress since the last meeting.
- d) Churchyard - The contractor has not cut the grass since July. The Clerk has asked for an explanation. This part of the contract also includes the edges of the Recreation Ground. Cllr Carter has invited another contractor to provide a quote for both parts of the contract for comparison.
- e) Trees - Protected trees in Hannath Road, Tydd Gote - see 043/23 above. Protected trees fronting the Golf Club - following several large branches falling from these trees, the Clerk has contacted Pure Leisure who will arrange for an arboricultural survey to be undertaken.
- f) Foul Anchor - A consultation with residents regarding environmental improvements will take place shortly.
- g) Community Centre - Cllr Carter reported that the charity has changed electricity supplier and signed a fixed contract resulting in savings of around 60% and a refund from the previous supplier. A smart meter will be installed shortly.
- h) Waterway Walk - The Clerk reported that the Tydd Pumping Station open day was well supported, with around 135 visitors. The event will be repeated in 2024.

049/23 Member and Parishioner Issues

- a) Carveley's Lane - The Clerk reported that the County Council has agreed to remove the overgrown vegetation blocking Carveley's Lane after the end of the nesting season.
- b) Hockland Road pavement barrier - Members agreed to install replacement barriers similar to the original ones.
- c) Highway weed killing - Members agreed to write to the County Council expressing their concerns regarding particular issues in Tydd St Giles.
- d) Sapphire Close - Windows have been broken in a vacant property, apparently by air gun pellets. Clarion Housing Group and the Police have been informed. The situation is being monitored with a view to identifying the culprit.
- e) Benches by village sign - A slat on one of the benches has become loose due to the deterioration of the concrete support. Both benches are showing signs of cracking of the concrete framework. Members agreed to repair the damaged bench and to consider replacing both benches in the next financial year.
- f) Food waste processing plant - Residents of Cross Drove have reported concerns regarding smoke emanating from the boiler chimney at the plant and the presence of large numbers of non-native insects. The issue is being investigated by the District Council's Environmental Health Team. It is unclear whether planning permission is required for this change of use, so that too is under investigation. As a waste processing facility, planning consent would be considered by the County Council. Members asked the Clerk to monitor the situation and provide updates when available.
- g) Roadside verges - The resident responsible for this item was unable to attend the meeting, so this has been deferred until the next meeting.

- h) Hedgehog Highway project - A hedgehog welfare charity invited the Council to purchase hedgehog doorways to provide safe access between gardens. Members agreed to advertise this on Facebook to assess demand and, if popular, to purchase 50 hedgehog doorway surrounds for residents and pupils at Kinderley School.
- i) Black Dike Nameplate - The Clerk reported that the replacement street nameplate at Black Dike reads Black Drove. This will be replaced with the correct sign in due course.
- j) Black Dike fly-tipping - A resident witnessed a fly-tipping incident alongside the North Level Main Drain off Black Dike and was able to photograph the vehicle involved. Details have been passed to the District Council and the person responsible faces prosecution.

050/23 Speed Monitoring

The Clerk presented three sets of data from the MVAS device in Broad Drove East opposite Sapphire Close, High Broadgate outside Newfield Farm and Kirkgate opposite the Golf Club. Whilst average speeds are below the limit at all three locations, a significant number of vehicles were recorded travelling well in excess of the limit, especially at the first two locations. A summary of the data will be passed to the Police.

051/23 Brigstock & Wrens Charity

Cllrs Brown and Carter declared a non-pecuniary interest in this item as Trustees of the Brigstock & Wrens Charity and did not participate in the discussion or vote on this matter. The terms of office of Trustees Michael Taylor and Oliver Williams come to an end shortly. Members resolved to re-appoint both Trustees for a further term.

052/23 Finance

a) The Clerk presented the financial statement as at the end of August showing income of £11,314.29, expenditure of £17,528.11, resulting in a deficit of £6,213.82 and funds held of £33,720.81.

b) Members noted the following sum received since the last meeting:-

Mrs P Mallett (Coronation celebrations)	£	480.00
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c) Members ratified the following payment issued since the last meeting:-

NEST (pension contributions)	£	138.80
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d) Members approved the following payments:-

D Gibbs (salary August and September).....	£	1,418.76
The CGM Group (East Anglia) Ltd (grounds maintenance)	£	607.64
PKF Littlejohn LLP (audit fee).....	£	252.00
Fenland Leisure Products Ltd (play equipment spares).....	£	31.44

e) Members noted the transfer of £10,000 from the Barclays current account to the NatWest current account.

053/23 Confidential Item

Members resolved to exclude the press and public from the meeting by reason of the confidential nature of the business to be transacted, in accordance with the Public Bodies (Admission to Meetings) Act 1960, paragraph 1(2).

Members discussed options for the future management of Council assets and resolved to continue these discussions at a later date.

054/23 Date of Next Meeting

The next meeting of the Parish Council will take place on Thursday 9th November at 7.30pm in the Community Centre.

The meeting closed at 8.45pm

DRAFT

Agenda Item No.	063/23	TYDD ST GILES PARISH COUNCIL
Meeting Date	9 November 2023	
Report Title	Clerk's Report	

1. Purpose of Report

To report on meetings attended and correspondence received.

2. Key Issues

Meetings attended:

Cambridgeshire Police re Operation Lambretta - 18 October

Fenland District Council Golden Age 20th Anniversary Celebration - 3 November

Correspondence received:

Cambridgeshire County Council - roadworks and events bulletin, Cambridgeshire Matters newsletter, Steady on your Feet falls prevention programme

Fenland District Council - Polling places review, Independent Remuneration Panel review, Street Pride Annual Celebration Evening, Fenland Culture Fund launch, Fenlander newsletter, carol service invitation, hate crime resources pack, slow paced football

NHS - Integrated Care System newsletter

National Association of Local Councils - newsletter, bulletin and events, local government pay award 2023/24

Cambridgeshire & Peterborough Association of Local Councils - bulletin, training courses

Cambridgeshire ACRE - Staying in Touch newsletter, community-owned business webinar

CCVS - Invitation to AGM

Queen Elizabeth Hospital - modernising our hospital newsletter

3. Recommendations

Members note the report.

Report Author	Dave Gibbs
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Tydd St Giles Parish Council

Income & Expenditure Summary as at 31.10.23

Income	Year to Date	Budget	%
FDC Precept	£ 15,000.00	£ 15,000.00	100.00
FDC Concurrent Functions Grant	£ 2,791.00	£ 2,791.00	100.00
Allotment Rents	£ 6,819.00	£ 8,844.00	77.10
Allotment Rates	£ 439.45	£ 550.00	79.90
Community Centre	£ -	£ -	0.00
Grants	£ -	£ -	0.00
Donations	£ 500.00	£ -	#####
Recycling Credits	£ 132.30	£ -	#####
Bank Interest	£ 99.03	£ 25.00	395.96
VAT Refunds	£ -	£ 1,491.10	0.00
Miscellaneous	£ 480.00	£ -	#####
Total Income	£ 26,260.78	£ 28,701.10	91.50

Expenditure

Clerk's Salary	£ 5,233.29	£ 10,485.00	49.91
Fees	£ 395.00	£ 400.00	98.75
Subscriptions	£ 544.66	£ 550.00	99.03
Admin Expenses	£ 2,057.70	£ 2,200.00	93.53
Insurance	£ 544.54	£ 490.00	111.13
Drainage Rates	£ 569.95	£ 550.00	103.63
Recreation Ground	£ 796.85	£ 1,600.00	49.80
Churchyard	£ 4,350.75	£ 6,800.00	63.98
Community Centre	£ 134.93	£ 1,000.00	13.49
Street Lights	£ 3,621.02	£ 6,000.00	60.35
Section 137 Payments	£ -	£ 500.00	0.00
Parish Land	£ -	£ 500.00	0.00
Foul Anchor	£ 21.50	£ 1,040.00	2.07
Highways	£ -	£ 2,000.00	0.00
Recoverable VAT	£ 2,156.03	£ -	#####
Total Expenditure	£ 20,426.22	£ 34,115.00	59.87

Summary

Total Income	£ 26,260.78
LESS Total Expenditure	£ 20,426.22
Net Surplus or Deficit	£ 5,834.56

Balance Sheet

Balance B/fwd 1.4.23	£ 39,934.63
Surplus or Deficit	£ 5,834.56
Balance C/fwd	£ 45,769.19

Represented by

Barclays Current Account	£ 13,486.04
Barclays Business Saver	£ 17,859.99
NatWest Current Account	£ 14,423.16
Cash / Cheques	£ -
	£ 45,769.19

TYDD ST GILES PARISH COUNCIL COMPLAINTS PROCEDURE

1. Tydd St Giles Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - 3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 12 March 2020 and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of Fenland District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Fenland Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.
8. The Clerk or the Council will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

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

Date of Adoption: 11 November 2021

Minute ref: 062/21(c)


Re-adopted November 2023

Contact details for the Parish Clerk:


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

For Correspondence to the Chairman:

T Brown
Paget Hall
Hockland Road
Tydd St Giles
Wisbech
PE13 5LF

 - 01945 870083

 - clerk@tyddstgilesparishcouncil.org.uk

 - 07773 690572

 - terry.brown@tyddstgilesparishcouncil.org.uk

TYDD ST GILES PARISH COUNCIL

GRIEVANCE POLICY

Introduction

1. This policy is based on and complies with the 2015 ACAS Code of Practice.¹ It also takes account of the ACAS guide on discipline and grievances at work.² It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
2. Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.
3. This policy confirms:
 - employees have the right to be accompanied or represented at a grievance meeting or appeal by a companion who can be a workplace colleague, a trade union representative or a trade union official. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case.
 - the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
 - any changes to specified time limits must be agreed by the employee and the Council
 - an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final

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

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

- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the General Data Protection Regulation (GDPR)
- audio or video recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the consent of affected parties
- Employees can use all stages of the grievance procedure if the complaint is not a code of conduct complaint about a councillor. Employees can use the informal stage of the Council's grievance procedure (paragraph 4) to deal with all grievance issues, including a complaint about a councillor. Employees cannot use the formal stages of the Council's grievance procedure for a code of conduct complaint about a councillor. If the complaint about the councillor is not resolved at the informal stage, the employee can contact the monitoring officer of Fenland District Council who will inform the employee whether or not the complaint can be dealt with under the code of conduct. If it does not concern the code of conduct, the employee can make a formal complaint under the Council's grievance procedure (see paragraph 5)
- If the grievance is a code of conduct complaint against a councillor, the employee cannot proceed with it beyond the informal stage of the Council's grievance procedure. However, whatever the complaint, the Council has a duty of care to its employees. It must take all reasonable steps to ensure employees have a safe working environment, for example by undertaking risk assessments, by ensuring staff and councillors are properly trained and by protecting staff from bullying, harassment and all forms of discrimination
- If an employee considers that the grievance concerns his or her safety within the working environment, whether or not it also concerns a complaint against a councillor, the employee should raise these safety concerns with his or her line manager at the informal stage of the grievance procedure. The Council will consider whether it should take further action in this matter in accordance with any of its employment policies (for example its health and safety policy or its dignity at work policy) and in accordance with the code of conduct regime

Informal grievance procedure

4. The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee. If the employee's complaint is about a councillor, it may be appropriate to involve that councillor at the informal stage. This will require both the employee's and the councillor's consent.

Formal grievance procedure

5. If it is not possible to resolve the grievance informally and the employee's complaint is not one that should be dealt with as a code of conduct complaint (see above), the employee may submit a formal grievance. It should be submitted in writing to the Chairman of the staffing committee.
6. The staffing committee will appoint a sub-committee of three members to hear the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the sub-committee.

Investigation

7. If the sub-committee decides that it is appropriate, (e.g. if the grievance is complex), it may appoint an investigator to carry out an investigation before the grievance meeting to establish the facts of the case. The investigation may include interviews (e.g. the employee submitting the grievance, other employees, councillors or members of the public).
8. The investigator will summarise their findings (usually within an investigation report) and present their findings to the sub-committee.

Notification

9. Within 10 working days of the Council receiving the employee's grievance (this may be longer if there is an investigation), the employee will normally be asked, in writing, to attend a grievance meeting. The written notification will include the following:
 - the names of its Chairman and other members
 - the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will normally be within 25 working days of when the Council received the grievance
 - the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
 - a copy of the Council's grievance policy
 - confirmation that, if necessary, witnesses may attend (or submit witness statements) on the employee's behalf and that the employee should provide the names of his/her witnesses as soon as possible before the meeting

- confirmation that the employee will provide the Council with any supporting evidence in advance of the meeting, usually with at least two days' notice
- findings of the investigation if there has been an investigation
- an invitation for the employee to request any adjustments to be made for the hearing (for example where a person has a health condition).

The grievance meeting

10. At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee questions about the information presented and will want to understand what action he/she wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

11. The Chairman will provide the employee with the sub-committee's decision, in writing, usually within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal.

The appeal

12. If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

13. Appeals may be raised on a number of grounds, e.g.

- a failure by the Council to follow its grievance policy
- the decision was not supported by the evidence
- the action proposed by the sub-committee was inadequate/inappropriate
- new evidence has come to light since the grievance meeting.

14. The appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staffing committee. The appeal panel will appoint a Chairman from one of its members.

15. The employee will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

16. At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
 - explain the action that the appeal panel may take.
17. The employee (or companion) will be asked to explain the grounds of appeal.
18. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
19. The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
20. The decision of the appeal panel is final.

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TYDD ST GILES PARISH COUNCIL

DISCIPLINARY POLICY

Introduction

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

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

- 2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 3 This policy confirms:
 - informal coaching and supervision will be considered, where appropriate, to improve conduct and/or attendance
 - the Council will fully investigate the facts of each case
 - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used when performance management proves ineffective.³
 - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
 - employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing
 - employees may be accompanied or represented by a companion - a workplace colleague, a trade union representative or a trade union official - at any investigatory, disciplinary or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case

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

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

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

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

Examples of misconduct

- 4 Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct. The list is not exhaustive.
- unauthorised absence
 - poor timekeeping
 - misuse of the Council's resources and facilities including telephone, email and internet
 - inappropriate behaviour
 - refusal to follow reasonable instructions
 - breach of health and safety rules.

Examples of gross misconduct

- 5 Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct. The list is not exhaustive
- bullying, discrimination and harassment
 - incapacity at work because of alcohol or drugs
 - violent behaviour
 - fraud or theft
 - gross negligence
 - gross insubordination
 - serious breaches of Council policies and procedures e.g. the Health and Safety Policy, Equality and Diversity Policy, Data Protection Policy and any policies regarding the use of information technology
 - serious and deliberate damage to property
 - use of the internet or email to access pornographic, obscene or offensive material
 - disclosure of confidential information.

Suspension

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

Examples of unsatisfactory work performance

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

The Procedure

- 10 Preliminary enquiries. The Council may make preliminary enquiries to establish the basic facts of what has happened in order to understand whether there may be a case to answer under the disciplinary procedure.

If the employee's manager believes there may be a disciplinary case to answer, the Council may initiate a more detailed investigation undertaken to establish the facts of a situation or to establish the perspective of others who may have witnessed misconduct.

- 11 Informal Procedures. Where minor concerns about conduct become apparent, it is the manager's responsibility to raise this with the employee and clarify the improvements required. A file note will be made and kept by the manager. The informal discussions are not part of the formal disciplinary procedure. If the conduct fails to improve, or if further matters of conduct become apparent, the manager may decide to formalise the discussions and invite the employee to a first stage disciplinary hearing.

Disciplinary investigation

- 12 A formal disciplinary investigation may sometimes be required to establish the facts and whether there is a disciplinary case to answer.
- 13 If a formal disciplinary investigation is required, the Council will appoint an Investigator who will be responsible for undertaking a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a Councillor. If the Council considers that there are no Councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Council will inform the Investigator of the terms of reference of the investigation. The terms of reference should specify:
- the allegations or events that the investigation is required to examine
 - whether a recommendation is required
 - how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a written report
 - who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

- 14 The Investigator will be asked to submit their findings within 20 working days of appointment where possible. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage - the disciplinary meeting (see paragraph 22).
- 15 The Council will notify the employee in writing of the alleged misconduct and details of the person undertaking the investigation. The employee may be asked to meet an investigator as part of the disciplinary investigation. The employee will be given sufficient notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee will be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 16 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 17 If there are other persons (e.g. employees, Councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 18 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Council whether or not disciplinary action should be considered under the policy.
- 19 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
 - the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
 - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
 - the employee has a case to answer and a formal hearing should be convened under the Council's disciplinary procedure.
- 20 The Investigator will submit the report to the Council which will decide whether further action will be taken.
- 21 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

The disciplinary meeting

- 22 If the Council decides that there is a case to answer, it will appoint a staffing committee of three Councillors, to formally hear the allegations. The staffing committee will appoint a Chairman from one of its members. The Investigator shall not sit on the committee.
- 23 No Councillor with direct involvement in the matter shall be appointed to the committee. The employee will be invited, in writing, to attend a disciplinary meeting. The committee's letter will confirm the following:
- the names of its Chairman and other two members
 - details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
 - a copy of the information provided to the committee which may include the investigation report, supporting evidence and a copy of the Council's disciplinary procedure
 - the time and place for the meeting. The employee will be given reasonable notice of the hearing so that he/she has sufficient time to prepare for it
 - that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least two working days before the meeting
 - that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

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

- the Chairman will introduce the members of the committee to the employee and explain the arrangements for the hearing
 - the Chairman will set out the allegations and invite the Investigator to present the findings of the investigation report (if there has been a previous investigation)
 - the Chairman will invite the employee to present their account
 - the employee (or the companion) will set out his/her case and present evidence (including any witnesses and/or witness statements)
 - any member of the committee and the employee (or the companion) may question the Investigator and any witness
 - the employee (or companion) will have the opportunity to sum up
- 24 The Chairman will provide the employee with the committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision.
- 25 The disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be further investigated by the committee.

Disciplinary action

26 If the committee decides that there should be disciplinary action, it may be any of the following:

First written warning

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

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

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve sufficiently during the currency of a prior warning, the employee will be given a final written warning. A final written warning will set out:

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

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period, in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

27 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal. If the committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action taken as a result of the disciplinary meeting will remain in force unless it is modified as a result of an appeal.

The appeal

- 28 An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.
- 29 The grounds for appeal include;
 - a failure by the Council to follow its disciplinary policy
 - the committee's disciplinary decision was not supported by the evidence
 - the disciplinary action was too severe in the circumstances of the case
 - new evidence has come to light since the disciplinary meeting.
- 30 Where possible, the appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Council who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members previously involved. The appeal panel will appoint a Chairman from one of its members.
- 31 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- 32 At the appeal meeting, the Chairman will:
 - introduce the panel members to the employee
 - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the disciplinary decision
 - explain the action that the appeal panel may take.
- 33 The employee (or companion) will be asked to explain the grounds for appeal.
- 34 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, usually within five working days of the appeal hearing.
- 35 The appeal panel may decide to uphold the disciplinary decision of the Council, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 36 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 37 The appeal panel's decision is final.

TYDD ST GILES PARISH COUNCIL

SAFEGUARDING POLICY

SECTION 1

Introduction

Everyone has a duty to safeguard children, young people and vulnerable adults. This policy promotes good practice in safeguarding for those using Parish Council facilities. The Parish Council will review it annually.

Definitions

Children and young people:

Anyone under the age of 18 years.

Vulnerable Adult:

A person over the age of 18 who: - (a) has needs for care and support, (b) is experiencing, or is at risk of, abuse or neglect, and (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it - Care Act 2014 (section 42).

To whom this policy applies

- This policy applies to anyone working for or on behalf of the Parish Council whether in a paid, voluntary or commissioned capacity, for example contracted to do a piece of work.
- It also applies to any individual using the Parish Council facilities for the purpose of delivering any service to children, young people or vulnerable adults.

SECTION 2

Promoting a safe environment

In order to promote a safe environment for children, young people and vulnerable adults, the Parish Council will:

- Provide safe facilities and do regular safety assessments.
- Ensure that employees, Councillors and leaders of activities in / on parish facilities, are aware of the safeguarding expectations.
- Ensure that the policy for users of parish facilities includes a requirement that they are safe to work with children, young people and vulnerable adults. (e.g. any adults who have regular unsupervised contact with children, young people or vulnerable adults during the course of their duties should undergo appropriate Disclosure and Barring Service checks.)
- Ensure that attendees at functions are aware that parents are responsible for their children's safety and the location of a dedicated safe place for lost children is clear.
- Display on notice boards the relevant safeguarding contacts for advice and help.

Use of facilities by groups for use with children, young people or vulnerable adults

The Parish Council will require the leaders to:

- Have public liability insurance.
- Have a suitable safeguarding children, young people and vulnerable adult policy and/or agree to work to the Parish Council's policy and relevant guidance.
- Ensure leaders make their members aware of the Parish Council policy and ensure that it is followed whilst using parish facilities.

- Ensure leaders have valid enhanced DBS checks as appropriate and know where the first aid box is.
- Complete risk assessments for individual activities.

SECTION 3

Safe working practice

All users of Parish Facilities must follow the safeguarding children, young people and vulnerable adults policy and procedures at all times. For example, they should:

- Never leave children, young people or vulnerable adults unattended with adults who have not been subject to a Disclosure and Barring Service (DBS) check.
- Plan activities to involve more than one person being present or at least in sight or hearing of others. Alternatively, record, or inform others of their whereabouts and intended action.
- Where possible, have male and female leaders working with a mixed group.
- Ensure registers are complete and attendees are marked in and signed out (under 8's must be collected by a parent/carer).
- Ensure that photos or videos of individuals are not taken without written permission from parents/ carers.
- Ensure that any photos that do have permission to be taken, have separate permission for use on social media/website.
- Ensure they have access to a first aid kit and telephone and know fire procedures.
- Ensure that where a child, young person or vulnerable adult needs assistance with toilet trips and when first aid is required, that this is carried out in pairs or in the latter case, that it is carried out where they can be seen.
- When working outside, ensure activities, breaks and clothing are suitable for the weather conditions and that shelter is available where possible.

Expectations of behaviour

All users of parish facilities should:

- Ensure that communications, behaviour and interaction with users should be appropriate and professional.
- Treat each other with respect and show consideration for other groups using the facilities.
- Refrain from any behaviour that involves racism, sexism and bullying and in addition to report any instances of such behaviour to group leaders, Parish Councillors, the Parish Clerk or parents and carers, as appropriate.

SECTION 4

Allegations against staff and volunteers

- All staff and volunteers should take care not to place themselves in a vulnerable position with a child or vulnerable adult.
- If an allegation is made against a member of staff or volunteer, the person receiving the allegation will immediately inform the Chair of the Parish Council.

Whistleblowing

All staff and volunteers should be aware of their duty to raise concerns about the attitude or actions of colleagues and appropriate advice will be sought from the Cambridgeshire and Peterborough Safeguarding Partnership Board.

What should be a cause for concern

Staff and volunteers should be concerned by any action or inaction, which significantly harms the physical and/or emotional development of a child or vulnerable adult. Abuse falls into four main categories and can include child sexual exploitation and female genital mutilation:

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- Neglect

All staff and volunteers coming in to contact with children need to have an awareness of safeguarding.

Useful Safeguarding Contact Details

Contact	Email	Telephone
Fenland District Council - Officer Phil Hughes To report a concern of abuse or neglect of children	phughes@fenland.gov.uk	01354 622520 07702 128939

Contact	Email	Telephone
Fenland District Council - Officer Sarah Gove To report a concern of abuse or neglect of a vulnerable adult	sgove@fenland.gov.uk	01354 622372

Contact	Email	Telephone
Cambridgeshire & Peterborough Safeguarding Partnership Board	safeguardingboards@cambridgeshire.gov.uk	01733 863744
Website: www.safeguardingcambspeterborough.org.uk		

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