



Leigh-on-Sea Town Council

71-73 Elm Road, Leigh-on-Sea, Essex SS9 1SP - Tel: 01702 716288
council@leighonseatowncouncil.gov.uk www.leighonseatowncouncil.gov.uk



Chairman: Cllr Caroline Parker
Vice Chairman: Cllr Paul Lawrence
Town Clerk: Paul Beckerson

MINUTES OF THE MEETING OF THE PERSONNEL SUB-COMMITTEE HELD ON THURSDAY 6th FEBRUARY 2014 AT LEIGH COMMUNITY CENTRE, 71-73 ELM ROAD, LEIGH-ON-SEA

Present: Cllrs: Pat Holden (Chairman), Syrie Cox, Margaret Cotgrove, Donald Fraser, Jerry Holden (until Min 54 and from Min 55), Paul Lawrence (until Min 54, from Min 55 and until Min 55), Carole Mulronee and Caroline Parker (until Min 54)

In attendance: Paul Beckerson (Town Clerk)

The meeting opened at 7.34pm

50. APOLOGIES FOR ABSENCE
Cllr Patsy Ryan

51. DECLARATION OF MEMBERS' INTERESTS

There were none.

52. MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting of 20th January 2014 were agreed as a correct record and signed by the Chairman.

53. MOTION TO EXCLUDE PUBLIC – The Public Bodies (Admission to Meetings) Act 1960
RESOLVED; That in view of the confidential nature of the business to be transacted the public and press be excluded and instructed to withdraw (SO.1(c)) - (staffing)

Start of confidential business

54. REVISED JOB DESCRIPTION FOR SENIOR JANITOR & SELECTION PROCESS

The Sub-Committee considered the draft Job Description and with some amendments **RESOLVED** to agree the amended draft (Appendix 1)

Proposed Cllr Carole Mulronee; Seconded Cllr Syrie Cox.

Members discussed how the post should be advertised and some related staff issues. (Confidential Appendix attached to file copy of minutes).

Cllr Jerry Holden left the meeting.

Members **agreed** that the post should be advertised internally to the existing Janitorial Staff.

Cllr Paul Lawrence left the meeting.

The Sub-Committee **RESOLVED** to delay the process until after the new LCC Manager was in post so they could be involved in the process.

Cllr Caroline Parker left the meeting due to a prior appointment.

55. SELECTION PROCESS FOR LCC MANAGER AND INTERVIEW PANEL

The Sub-Committee **RESOLVED** that all applications be circulated to all members of the Sub-Committee for shortlisting and that the Interview Panel be made up of Cllrs Syrie Cox, Carole Mulroney and David Stanley together with the Town Clerk. It was further agreed that SBC and SAVS be informed of the vacancy.

Cllrs Jerry Holden and Paul Lawrence re-joined the meeting.

The Chairman of the Sub-Committee updated Cllrs Jerry Holden and Paul Lawrence on the decisions taken during their absence.

Cllr Paul Lawrence left the meeting stating he was resigning his position as a Councillor.

56. SUPPORT STAFF AND ROLE REVISION – Confidential Report 2316A/TC

Members discussed the report and the proposed changes to roles of staff consequent upon the resignation of the LCC Manager and Events Officer.

It was proposed to bring forward a staff review and contingent upon a satisfactory outcome revise the Scale Point range and provide a bank of 100 hours initially subject to review to undertake the increased role. (Confidential Appendix 1)

The Sub-Committee **RECOMMENDED** the revised salary and Scale Point range to F&GPC and Council.

End of confidential business

57. DIGNITY AT WORK / BULLYING AND HARRASMENT POLICY – Report 2244/TC (Appendix 1 to the agenda)

Members made amendments to the Draft Policy in order to be compliant with other LTC Policies.

The Sub-Committee **RECOMMENDED** that the revised policy go forward to F&GPC and Council for adoption. (Appendix 2 Report 2244A/TC)

58. PROTOCOL ON MEMBER / OFFICER RELATIONS – Report 2189/TC (Appendix 2 to the agenda)

The Sub-Committee **RECOMMENDED** to F&GPC and Council that the Protocol be adopted (Appendix 3).

59. PROGRESS ON REVIEW OF COUNCIL'S GRIEVANCE AND DISCIPLINARY PROCEDURE (Appendix 3 to the agenda)

Cllr Jerry Holden updated members on the progress of the review, the results of which together with recommendations will be coming to a future meeting.

The meeting closed at 9.56pm

Job Description – Senior Janitor & Manual Officer

Post title: Senior Janitorial & Manual Officer

Employed by: Leigh-on-Sea Town Council

Accountable to: Centre Manager

Responsible for: The day-to-day running of the Community Centre, supervision of janitorial staff and delivery of janitorial and manual services related to the Centre, manual services related to the Council's allotments, manual services related to other activities and services provided by the Council. Assistance with events

Hours: 37 hrs a week with possibility of additional hours. Including evenings, weekends and early mornings

Location: Leigh Community Centre, Elm Road, Leigh-on-Sea and Leigh Allotment sites

Salary: SCP 15 - £16,215

Job Purpose:

The post-holder will be responsible for the janitorial and manual services related to the day-to-day running of the Centre and will play a key role in respect of the efficient and effective management of the Centre and Council's allotments and other services as part of a team dedicated to the delivery of these services.

As the Senior Janitor the post-holder will have a supervisory role with regards the Centre's janitorial staff.

Main duties and responsibilities are:

The day-to-day running of the Centre

- Liaising closely with the Centre Manager on all matters relating to the day-to-day operation of the Centre
- Maintaining records as required and reporting to the Centre Manager on an agreed, regular basis.
- Determining the attendance rota for the Centre's staff.
- Allocating Centre staff to tasks to ensure that the day-to-day operation of the Centre is delivered expeditiously.
- Determining the building maintenance programme in conjunction with the Centre Manager and ensuring that minor and routine maintenance work is completed satisfactorily.

General duties in respect of the running of the Centre

- Deployment of furniture for users the Centre
- Cleaning duties
- Minor and routine maintenance work
- Maintaining security
- General supervision of users of the Centre
- Assisting with setting up and taking down event equipment
- Transporting equipment to and from events
- Maintaining secure and appropriate storage of events equipment
- Reporting building defects and other matters as required
- Responding appropriately to the needs of the public and users of the centre
- Ensuring compliance with Health and Safety and other legislation
- Attending the Farmers' Market to help set up stalls before it opens and help take stalls down when the market is ended

General duties in respect of allotments

- Carrying out minor repairs to water system.
- Carrying out minor repairs to fences.
- Suggesting any equipment or materials which may be necessary to perform the maintenance.
- The post holder will also work with the Allotment Officer and Allotment Societies in maintaining the allotment sites and ensuring an appropriate standard of maintenance and encouragement of allotment activities.

Other services

- Assist with the provision of other services provided by the Council such as events or other manual tasks, as required.

A cool head and a calm disposition are required for the intensive periods of activity at the Centre, together with a methodical, well organised and flexible approach.

Contact with the public and allotment holders are key areas and the post holder will be required to deal with all issues arising in a calm, courteous and effective manner.

Personal qualities

The post holder will have a strong commitment to Leigh-on-Sea and to helping members of the community who use the Centre. The post holder will also need to be self-reliant, energetic and able to prioritise workloads.

Salary etc

The salary starts at Point SCP15 £16,215 rising incrementally to Point SCP18 £17,333.

Holiday entitlement is 21 days, plus bank holidays and 2 statutory days to be taken at Christmas. This is a pensionable post.

There will be a six month probationary period, extendable at the Council's discretion.

Relevant training will be provided, and the post holder will be expected to attend both internal and external training, as required.

Skills and Abilities:

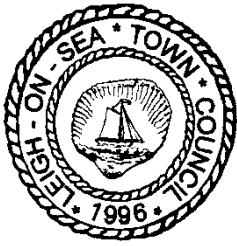
- Excellent communication skills
- Customer services skills
- Confident and able to work on own initiative
- Able to prioritise work and demands
- Able to work as part of a wider local team
- Able to work flexible hours – prioritising needs of Centre management

Education and Training:

- Educated to a reasonable standard

Other:

- Has a commitment to community run services
- Able to work evenings and week-ends and attend the Centre at short notice
- Car owner/driver
- Consent to an enhanced DBS disclosure



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Report 2244A/TC

***Dignity at Work/Bullying and Harassment Policy**

1. Purpose and Scope

1.1 **Statement:** In support of our value to respect others Leigh-on-Sea Town Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the Council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the Council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Council's policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.

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

1.2 Definitions

Bullying

"may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment is

"unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from the ACAS guidance on the topic.

Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the Council's reputation and ultimately, legal proceedings against the Council and payment of legal fees and potentially unlimited compensation.

1.3 Examples of unacceptable behaviour are as follows; (this list is not exhaustive)

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, repetitive vexatious requests, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

1.4 Penalties: Bullying and harassment by any employed persons can be considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Council's employ. If elected Members are bullying or harassing employees, contractors, fellow Councillors, and others, then a referral through the Standards process in place at the time reported as a contravention of the Member's Code of Conduct could be an appropriate measure. If an employee is experiencing bullying or harassment from a third party the Council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Council's insurer, if such a matter arises.

1.5 The Legal position: Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the Council and the perpetrator(s) as individual named Respondents. The legal definition of "Third Party Harassment" has been introduced which makes the employer vicariously liable for harassment from other parties such as parishioners, contractors etc and it must take reasonable steps to manage such situations which could include seeking legal redress on behalf of an employee or Member of the Council.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

2. Process for dealing with complaints of Bullying and Harassment

2.1 Informal approach – Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

2.2 **Formal approach**

2.2.1 **Employees:** Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Personnel Sub-Committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

2.2.2 **Others**

Any other party to the Council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the Council, where possible, if an informal notification to a member has been unsuccessful at eliminating the problem. The complaint should then be investigated and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a Council should use the Council's official Complaints Procedure. It is important that the Member(s) being complained about do not prevent the Council operating impartially in its investigation and decision-making in this regard.

2.3 **Grievance – Employees only** - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the Council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be undertaken in accordance with the Council's Grievance Procedure. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the Council may contact EALC, an employer's body or ACAS to this effect or the Council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full Council without prior approval by the aggrieved. The Council will commit not to victimize the complainant for raising the complaint once the appropriate dispute resolution process has been concluded.

2.4 **Disciplinary Action** - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

2.4.1 For an **Employee** found to have been bullying/harassing others this will follow the Council's Disciplinary procedure and would normally be treated as Gross Misconduct.

2.4.2 For **Members** who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the range of sanctions available to the council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Southend Standards Committee reviewing the evidence under the Code in place at the time.

A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases.

This list is not exhaustive.

2.5 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Standards process.

3. Responsibilities

All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. There needs to be agreement about how “robust people management” and “bullying” differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the Council and in environments which are open to the public or other employees or by way of blogs, Facebook comments, or in the pub or local playground.

The Council undertakes to share its policy with all members and staff and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full Council for approval.

The Council will undertake to ensure that its members and workers are trained in the processes required by this policy as deemed appropriate.

**Reference: SLCC Model Dignity At Work Policy published September 2013*



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Report 2189/FGP

*Protocol on Member/Officer Relations

1. Background

- 1.1 This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 1.2 The reputation and integrity of the council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- 1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.
- 1.4 The Council's Dignity at Work, Bullying & Harassment Policy is an integral part of this Protocol.

2. Roles of Councillors and Employees

- 2.1 The respective roles of Councillors and employees can be summarised as follows:
Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Councillors are responsible to the electorate and Officers are responsible to the Council. The Officers' job is to give advice to Councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

2.2 Councillors

- 2.2.2 Councillors have four main areas of responsibility:
 - To determine council policy and provide community leadership;
 - To monitor and review council performance in delivering services;
 - To represent the council externally; and
 - To act as advocates for their constituents.
- 2.2.3 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.
- 2.2.4 Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

2.3 Chairmen and Vice-Chairmen of Committees

Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

2.4 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. Expectations

3.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillor's or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Officers outside the council's agreed procedures;
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that Officers will at all times comply with the relevant code of conduct.

3.2 Officers can expect from Councillors:

- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- that where Councillors are responsible for delivering a task that this should be expedited in a timely manner in order to meet any required deadlines;
- that Councillors will at all times comply with the council's adopted Code of Conduct.

3.3 Some General Principles:

- Relationships between Councillors and Officers should always be on a professional basis and not influence their professional judgement as this can confuse their separate roles and get in the way of the proper conduct of Council business.
- Special or personal relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

4. Political Groups

4.1 The operation of political groups is becoming more of a feature within parish councils, but it is worth repeating that it is NALC policy that party politics should have no place in parish councils. Parish Councillors are there to serve their community as members of the community, and should not be side tracked by party political issues. Party politics within a parish council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.

4.2 Party political groups or groups of individual Councillors have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them, and

employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the council as a whole and should not take action under instructions from any individual Councillor, even if he/she has been styled as 'Leader' of the council.

- 4.3 If the council has adopted party political groupings, the Clerk should ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations. It is not the Clerk's job to make recommendations to a political group.
- 4.4 If a report is prepared for one political group, the Clerk should advise all other political groups that the report has been prepared, or that advice was given.
- 4.5 Any Clerk needing advice or guidance on matters relating to party groups or how to operate within a political environment, should seek advice from the EALC, or from the Society of Local Council Clerks.

5. When things go wrong

- 5.1 From time to time the relationship between Councillors and the Clerk or other employees may break down or become strained. It is always preferable to resolve matters informally through conciliation and mediation. With regards to issues arising between the Clerk and Councillors, conciliation should initially be sought through the Chairman of the Council; for issues arising between other members of staff and Councillors, the Clerk should act as conciliator in the first instance.

The Council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice, for example from the EALC or the Society of Local Council Clerks.

- 5.2 Should informal reconciliation prove unsuccessful in resolving the matter, then formal proceedings are to be followed.
 - 5.3 If a formal complaint is raised by a member of staff against a councillor, the matter should be referred to the Personnel Sub Committee who will decide whether the Council's Grievance Procedure should apply or whether, in exceptional circumstances, the issue should be referred to the Council's Monitoring Officer as a Code of Conduct matter.
 - 5.4 If a formal complaint is raised by a Councillor against a member of staff, then matter will be dealt with in accordance with the Council's Disciplinary Procedure.
6. The Council undertakes to share its policy with all members and staff and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

*Source NALC Toolkit for Local Councils 2010