HAWARDEN COMMUNITY COUNCIL

POLICY AND PROCEDURE FOR INFORMATION REQUESTS

1. Hawarden Community Council is committed to the Freedom of Information Act and will meet all obligations so required under it.

2. Wherever possible Hawarden Community Council will provide additional information beyond the limited requirements of the Act but will be conscious of the Data Protection Act and Copyright.

3. Only ratified Council documents, including approved minutes, will be made available. Draft documents will not normally be made available.

4. Requests for information may be made in person, by email or letter.

5. Wherever possible, callers will be provided with all permitted information at that time. If this is not possible, they will be informed as to when the information will be available.

6. Requests by email or letter will be handled in a logical manner. If the information is available on the Community Council website, those enquiring by email will be so directed.

7. Where the information is to be provided in hard copy form, the Council reserves the right to make a nominal charge to cover costs.

8. The Clerk's office will aim to satisfy all information requests within 5 working days at the latest. Where documents are not yet ratified, the enquirer will be informed of the likely date when they would be available.

9. A record will be kept of all requests met by hard copy together with the amount charged.

SIGNED: _______________________  DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

DATA PROTECTION POLICY

STATEMENT OF INTENT

The Council is required to collect and use certain types of information concerning individuals who come into contact with the Council.

The purpose of the policy is to ensure the confidentially lawful and correct treatment of personal data. To this end, the Council fully endorses and adheres to the principles of data protection as detailed in the Data Protection Act 1998 and any subsequent amendments.

Personal data will be

- Obtained only for lawful and specific purpose(s)
- Relevant to the purpose for collection
- Processed fairly and lawfully under the Act
- Accurate and where necessary kept up to date
- Only kept for a valid duration
- Kept secure and only be made available for the specific purpose(s) unless already in the public domain
- Held and only used within the European Economic Area

Personal data will only be kept for, and restricted to the following;

- To meet the requirements of employment
- If necessary for leases associated with the Council owned properties
- for correspondence purposes

Data may be held within the computer databases or in printed form. Both storage methods will be protected from unauthorised access.

SIGNED: __________________________ DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

INFORMATION SECURITY POLICY

STATEMENT OF INTENT

The purpose of the policy is to ensure the confidentiality, integrity and availability of information is maintained by implementing best practice to minimise risk.

Information exists in many forms including;

- Printed or written on paper
- Stored electronically
- Published on the internet
- Transmitted by post or electronically
- Conversational and voice recorded

Information Security requires the adherence to the Data Protection policies of the Council.

Information Security is primarily vested in the staff employed in the Council’s Office. However, individual Councillors are also required to meet the objectives of these policies as well as those contained within the Standing Orders and Code of Conduct.

Where sensitive information is provided, all recipients are expected to respect the nature of such information and afford it the appropriate level of security. Such security will include the prevention of access by unauthorised personnel.

Nothing within this policy, or those for Data Protection, will detract from the basic principles of the Freedom of Information Act.

SIGNED: ______________________ DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

PRESS/MEDIA POLICY

Responses to the press relating to matters discussed by the Community Council shall be dealt with in the first instance by the Clerk.

The Council Chair, and in their absence the Vice-Chair, are also authorised to give the views of the Council to the press on any non-confidential subject discussed by the Council.

Whenever possible any information given to the press shall be given in writing so as not to leave interpretation open to misunderstanding and misreporting. At no time shall the personal views of either Members or officers of the Council be given to the press in a way which could be interpreted as a view of the Council as a whole.

SIGNED: ___________________________  DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

CODE OF PRACTICE IN HANDLING COMPLAINTS

FOR MEMBERS OF PUBLIC

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk to the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Clerk to the Council and receive an assurance on receipt that the matter will be dealt with as priority with reasonable endeavours.

2. If a complainant indicates that he/she would prefer not to put the complaint to the Clerk to the Council then he/she should be advised to put it to the Chair of Council.

3. On receipt of a written complaint, the Clerk to the Council or the Chair, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant, but shall not do so in respect of a complaint about the behaviour of the Clerk to the Council or a Councillor without notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk to the Council or Chair receives a written complaint about his own actions, he/she shall immediately refer the complaint to the Council.

4. The Clerk to the Council or the Chair shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.

5. The Clerk to the Council or the Chair shall bring any written complaint which cannot be settled to the next meeting of the Council, and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered.

6. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public. If the matter is a complaint of the Clerk to the Council such that the Council or the Clerk to the Council believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if a complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to
have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

7. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.

8. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council should consider taking legal advice before writing any letter to the complainant.

SIGNED: ___________________________ DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

GRIEVANCE PROCEDURE

1. INTRODUCTION

1.1 It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee’s employment grievance. This procedure is produced in line with the ACIS Code of Practice 2009 as set out in the Employment Act 2008. This procedure applies to all employees of the Council.

1.2 The objectives of the procedures are:-

- To foster good relationships between the Council and its employees by discouraging the harbouring of grievances;
- To settle grievances as near as possible to their point of origin;
- To ensure the Council treats grievances seriously and resolves them as quickly as possible; and
- To ensure that employees are treated fairly and consistently throughout the Council.

1.3 Matters excluded from this procedure are as follows:-

- Appeals against salary or gradings;
- Appeals against disciplinary actions;
- Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- Rules of pension schemes; and
- A grievance about a matter over which the Council has no control.

2. INFORMAL GRIEVANCE PROCEDURE

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the Clerk [or in the case of any grievance relating to the Clerk with the Chair of the Community Council] with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below.
3. STANDARD COUNCIL GRIEVANCE PROCEDURE

3.1 The employee must set out his/her grievance in writing ("Statement of Grievance") and provide a copy to the Chair of the Staff and General Purposes Committee.

3.2 Once the Council has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting with a panel of representatives of the Staff and General Purposes Committee.

(i) The employee must take all reasonable steps to attend the meeting.

(ii) Grievance meetings will normally be convened within 14 days of the Council receiving the Statement of Grievance.

(iii) The employee has the right to be accompanied to a grievance meeting by a fellow employee, a Trade Union representative or by a friend.

(iv) If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.

3.3 A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the panel comprising representatives of the Staff and General Purposes Committee time to consider the decision.

3.4 After the meeting the employee will be informed of the panel's decision within 5 working days. [The meeting may be reconvened for this purpose]. The panel's decision will be confirmed to the employee in writing.

3.5 If the employee wishes to appeal against the Council's decision he or she must inform the Council within 5 working days of receiving the decision.

3.6 If the employee notifies the Council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting with three members of the Staff and General Purposes Committee Panel. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee, a Trade Union representative or by a friend.

3.7 A grievance appeal meeting will normally be convened within 7 working days of the Council receiving notice that the employee wishes to appeal pursuant to 3.5 above. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.
3.8 After the grievance appeal meeting the employee will be informed of the Council's final decision within 5 working days. [The meeting may be reconvened for this purpose]. The Council's decision will be confirmed to the employee in writing.

4. MODIFIED COUNCIL GRIEVANCE PROCEDURE
(FOR FORMER EMPLOYEES)

4.1 If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing and provide a copy to the Chair of the Council's Staff and General Purposes Committee.

4.2 Following receipt of a statement of grievance pursuant to 4.1 above, the Council will either write to the ex-employee inviting him or her to attend a meeting to discuss the grievance or to ask for the ex-employee's agreement to the Council responding to the grievance in writing.

4.2.1 If the ex-employee does not agree to the matter being dealt with by correspondence within 7 working days of the Council writing to them pursuant to 4.2 above steps 3.1 to 3.4 of the standard Council grievance procedure will be followed. The meeting will be conducted by a panel comprising representatives of the Council's Staff and General Purposes Committee.

4.2.2. If the ex-employee does agree to the matter being dealt with by correspondence, the Council's Staff and General Purposes Committee will consider his or her grievance and will respond to the ex-employee in writing within 14 days of the receipt of such confirmation setting out the basis for the Council's decision.

5. GENERAL PROCEDURAL INFORMATION

5.1. A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal decision will be placed on the employee's/ex-employee's personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

5.2. All staffing disciplinary/grievance issues should be discussed in private session. In the first instance – the only Councillors who should have any knowledge of a possible problem with a member of staff should be the Chair of Council, the Chair of the Staff and General Purposes Committee and the Clerk. All other Councillors should be told that there is a grievance issue with a member of staff and that they should avoid becoming involved in any way as Councillors should be unaware of the issues of the case so that three of their number can be used in an appeal if one is needed.

SIGNED: ___________________________ DATED: 11TH September 2017

On behalf of: Hawarden Community Council

3
HAWARDEN COMMUNITY COUNCIL

DIGNITY AT WORK/BULLYING AND HARASSMENT POLICY

1. Purpose and Scope

1.1. Statement: In support of our value to respect others Hawarden Community Council will not tolerate bullying or harassment by, or of, any of their 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.

The Council will issue the policy to all employees.

1.2. Definitions

Bullying “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 policy 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. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the Council’s reputation and ultimately, Employment Tribunal or other court cases and payment of 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, deliberately undermining a competent worker by
overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying or harassment may occur face to face, in meetings, through written communication, including email, 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 are 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 for employees or through referral to the Standards process, as a contravention of the Member's Code of Conduct which may result in penalties against the Member concerned. 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 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. Under the Equality Act 2010 bullying or harassment may be considered unlawful discrimination and the legal definition of "Third 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.

2. Process for dealing with complaints of Bullying and Harassment

2.1. 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 Staff and General Purposes Committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor, as this will enable the formal Grievance Procedure to be invoked.

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 a Councillor, where possible, or the Monitoring Officer if an informal notification to a Member has been unsuccessful at eliminating the problem or where a Member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend a way forward. A member of the public who feels he/she has been bullied or
harassed by any members or officers of the Council should use the Council’s official Complaints Procedure.

2.3. Grievance – Employees only – A meeting to discuss the complaint with the complainant 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 held by an officer as appointed by the Chair/Councillor who is handling the process. 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 complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the Council should contact NALC, an employer’s body or ACAS to this effect or the Council may offer Counselling. The employee will have a right of appeal as established by statute. 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 complainant. The Council will commit not to victimize the complainant for raising the complaint once the appropriate grievance/disciplinary 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.

For an employee found to have been bullying/harassing others this will follow the Council’s Disciplinary Procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.

For Members who the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Council activities the action taken must be reasonable and 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. The range of disciplinary sanctions available to the Council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from Committees of the Council and representation on any outside bodies, a referral to the Standards Board (or equivalent) by the Council and/or the aggrieved victim. There may also be a referral to the Police under the protection from Harassment Act 1997, or a claim to an Employment Tribunal for Third Party harassment (for harassment relating to one of the protected characteristics under the Equality Act) in the most 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 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.

The Council undertakes to share its policy with all members and employees.

4. Useful contacts

- ACAS www.acas.org.uk  tel: 0845 7 47 47 47
- Standards for England www.standardsforengland.gov.uk or tel: 0845 078 8181
- Local Government Ombudsman for Wales www.ombudsman-wales.org.uk tel: 01656 641 150
- Equalities and Human Rights Commission www.equalityhumanrights.com
- SLCC www.slcc.co.uk

SIGNED: ___________________________  DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

Equal Opportunities Policy

It is unlawful to discriminate against an individual on the following grounds:-

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Under the Equality Act 2010 these are known as “protected characteristics”

PURPOSE

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). We oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

SCOPE

All employees whether full time, part time, fixed-term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

OUR COMMITMENT

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work Policy adopted by the Council.
The Commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local Community, representing society as a whole.

Breaches of our equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the Council's Grievance Procedure.

This policy is fully supported by all Members of the Council and adopts the model contract as devised by the employee professional body in the local government sector (The Society of Local Council Clerks).

SIGNED: __________________________  DATED: 11TH September 2017

On behalf of: Hawarden Community Council
HAWARDEN COMMUNITY COUNCIL

EQUALITY AND DIVERSITY POLICY

Statement of Intent

Hawarden Community Council positively welcomes and aims to support the growing diversity of the community we serve and the people we employ. Further, the Council recognises the changing patterns of households, the expansion of the community and the diverse requirements that will need to be met in the future.

The Council believes that opportunity and freedom from discrimination are fundamental human rights and actively oppose all forms of discrimination.

This Council recognises its responsibilities under the equalities legislation and related Codes of Practice including the following:

- The Sex Discrimination Act 1975 (amended 1986)
- The Equal Pay Act 1970
- The Race Relations Act 1976, 2000 (amended) and 2003 (amended)
- The Disability Discrimination Act 1995 and amendments
- The Human Rights Act 1998
- All European Regulations and Directives

Through European Employment Regulations, the Council recognises its responsibilities to promote equal opportunities in employment on the grounds of sexual orientation, religion or belief and age.

The Council aims to provide its services without discriminating against any part of society or the quality services and the recruitment of staff.

 Discrimination and harassment is unacceptable and contrary to the Council’s aim of providing quality services and the recruitment of staff.

SIGNED: ___________________________ DATED: 11TH September 2017

On behalf of: Hawarden Community Council
1. Introduction

This Policy outlines Hawarden Community Council’s approach to Early Retirement for employees who are members of the Local Government Pension Scheme and are aged 55 and over and sets out the use of the discretions available to the Council under the terms of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and the 2014 Local Government Pension Scheme Regulations for ex-employees with a deferred benefit in the pension scheme (referred to hereafter as the Regulations).

2. Aims of the Policy

The aims of this Policy are to:

- State the options available to employees who are aged 55 and over
- State how Hawarden Community Council will apply their discretionary powers in relation to specific provisions in the scheme
- Ensure fair and equal treatment of all employees
- Comply with the Employment Equality (Age) Regulations 2006

3. Scope

This Policy applies to all employees of the Council who are members of the Local Government Pension Scheme (LGPS). Members of the LGPS are entitled to receive a pension at their Normal Pension Age, which from 1 April 2014 is directly linked to an employee’s State Pension Age.

4. Definitions

Normal Pension Age (NPA) is linked to ‘current’ State Pension age (SPA). As the State Pension Age is changed by Government, Normal Pension Age will also change.

Optional Retirement – Age 55 – employees may choose to retire from age 55 onwards and access their pension benefits but would normally suffer an actuarial reduction (the reduction being the cost of early payment of pension and lump sum before normal retirement age).

The ‘85’ year rule is when an employee’s membership of the LGPS and their age equals 85 years or more.
Decisions to release employees on Early Retirement must be management led and should not be perceived by employees as either an entitlement or a reward for long service. This course of action should not be used by management as an alternative to taking appropriate action to deal with performance issues.

In formulating and reviewing this policy on Early Retirement and discretionary provisions, the Council is required by the Regulations to:

- Be satisfied that the policy is workable, affordable and reasonable, having regard to the foreseeable costs.
- Consider the potential for the application of its discretionary powers (unless properly limited) to lead to a loss of confidence in the public service.

From 1st April 2014, Normal Pension Age is linked to State Pension Age and will not normally be before age 65. From 1st April 2014, an employee can choose to retire from their 55th birthday with the consent of the employer but with an actuarial reduction.

The Council has a responsibility to ensure that early retirement costs and their effects on the Pension Scheme are fully justified and sustainable.

**CRITERIA FOR EARLY RETIREMENT AND EMPLOYEE PENSION BENEFITS**

**On the Grounds of Redundancy**

Redundancy is initiated by the management and is undertaken in line with the Redundancy Procedure. All redundancy pay will be met by the Council and not from the Pension Fund. The pension strain costs will be met by the Council.

**In the Interests of Efficiency**

This will be initiated by management where an individual is unable to adjust to change, adapt to a new organisation structure and/or new ways of delivering the service and where retraining or redeployment would not assist the individual in adapting to those new methods or ways of working. In all cases of retirement on efficiency grounds all alternatives to early retirement will have been explored. The pension strain costs will be met by the Council.

**On the Grounds of Cost Saving**

This will be considered in circumstances where compensatory cost savings to the Council can result as a consequence of early retirement being granted to an individual. The pension strain costs will be met by the Council.
Employer's Consent

A – to apply the '85 year rule' for active employees voluntarily drawing their benefits on or after age 55 and before age 60:

Active employees who wish to retire from their 55th birthday onwards can request the Council to apply the 85 year rule, if they are eligible. To be eligible, the employee's LGPS Service pre 1st April 2014 and their age must equal 85 years or more, and they must have joined the pension scheme before 1st October 2006.

If it is agreed to apply the '85 year rule', the employer may waive the actuarial reduction in full or part.

If it is not agreed to apply the '85 year rule' following consideration under the above criteria, but the employee is eligible to meet the '85 year rule' then the pension benefits will be reduced by the date the benefits are brought into payment and the age when they would meet Rule of 85 (their critical retirement age).

B – to waive an actuarial reduction on pension benefits

Employees who do not meet the '85 year rule' can request that the Council waive the actuarial reduction in full or part on compassionate grounds.

For both A and B above, the request made will be considered against the following criteria:

1. The cost to the Council;
2. The future requirements of the service including required levels of performance and productivity, new skills;
3. The need to adapt to new and modernised ways of working;
4. The needs of the employee including any compassionate grounds (where employees are responsible for caring for a dependent due to illness, frailty or disability)

C – early release of benefits for former employees with a deferred benefit:

Former employees may request the early release of their deferred pension benefits. Provisions may differ depending on which version of the regulations applied to them at the date they left the Council.

A request to waive an actuarial reduction, either in full or in part, will be considered in exceptional circumstances (except if the member is covered by 1995 regulations whereby the waiving of any reductions is mandatory).

In all options set out in A, B and C, consideration will be made on a 'case by case' basis.
Application of Discretions under the 2014 LGPS Regulations

Other than the discretions set out above in A, B and C, the Council has decided not to apply the following discretions under the 2014 regulations for reasons of affordability:

- Voluntary funding of additional pension via a Shared Cost Additional Pension Contribution (SCAPC) contract, either by regular ongoing contribution or one-off lump sum;
- Award of pension (at whole cost to employer).

Cost of Early Retirement

In cases of Early Retirement on grounds of redundancy or in the interests of efficiency or cost saving, where a post has been deleted which offsets the costs incurred; no similar post will be created.

Re-Employment following Early Retirement on Ill Health Grounds

Ill Health retirement is granted to an employee who is declared by a medical physician to be permanently unfit to perform the duties of their post on grounds of ill health. As a result, an employee who has received premature retirement on ill health grounds should not be re-employed unless declared fit by a medical physician.

Re-Employment or Re-Engagement following Early Retirement

Where the Council approves an Early Retirement on grounds of Redundancy, in the interests of efficiency or cost saving with Employer’s Consent (i.e. where the employer has met the costs of the pension strain/waived the actuarial reduction) the Council will not normally re-employ or re-engage except in highly exceptional circumstances. On rare occasions where this is unavoidable, approval will be sought in advance from the Council.

Consideration and approval of Applications

All applications and requests will be considered initially by the Clerk & Financial Officer and where appropriate, the Chair of Council who will recommend approval or refusal of such requests in the interests of the Council.

6. Monitoring and Evaluation

This policy will be subject to an annual review to ensure that the policy and the discretions are being applied fairly and equitably, the policy is supporting the aims of the Council and the provisions are affordable in relation to the Clwyd Pension Fund.
7. Procedure

Employees who wish to request Early Retirement with Employers consent for either:-

A – to apply the ‘85 year rule’ for active employees voluntarily drawing their benefits on or after age 55 and before age 60 or

B – to waive an actuarial reduction on pension benefits:

1. Must make a written request to the Clerk & Financial Officer setting out their request and the reasons for it. Employees should allow at least 3 months in order to process the request.

2. The Clerk & Financial Officer will acknowledge receipt of the request in writing and obtain an estimate from pensions.

3. Following receipt of the estimate from pensions, the Clerk & Financial Officer will arrange a meeting with the employee to discuss the estimate and discuss whether they can support the request.

If the request is supported

4. If the Clerk & Financial Officer supports the request, he/she will confirm to the employee that the request will go to a retirement panel for approval and the Clerk & Financial Officer must outline the business case to support the waiving in full or in part of any actuarial reduction and why they support the request.

5. The Council must be aware the Early Retirement with Employers Consent should not be used to mitigate any underperformance or disciplinary issues.

If the request is not supported

6. If the Clerk & Financial Officer does not support the request, he/she will meet with the employee and confirm the reasons for not supporting the request and will record the reasons in writing. The request will still be submitted to the retirement panel for consideration taking on board the comments.
7. The Clerk & Financial Officer will make arrangements for the request to be heard at the next available retirement panel. The retirement panel will comprise the Chairs of Staff and General Purposes and Finance Committee of Hawarden Community Council and the Chair of Broughton and Bretton Community Council's Finance and Staffing Committee. The retirement panel must have all the required documentation made available in order to make an informed decision this will include:-

- Employees written request
- Estimate from Pensions on the Early Retirement with Employers Consent Form
- Business Case from Clerk & Financial Officer

8. The decision of the panel will be final and there is no route of appeal, the panel will consider the request against the following criteria

- The cost to the Council; including future affordability.
- The future requirements of the service including required levels of performance and productivity, new skills;
- The need to adapt to new and modernised ways of working;
- The needs of the employee including any compassionate grounds (where employees are responsible for caring for a dependent due to illness, frailty or disability)

9. The Clerk & Financial Officer will write to the employee to confirm the outcome, including if approved the effective date. Pensions will then be informed in order to release the pension.

10. If the application is declined, a discussion should take place between the employee and the Clerk & Financial Officer to discuss the reasons for the decision and to explore alternative options. Employees can access their benefits automatically from age 55 with an actuarial reduction.

11. If the Clerk & Financial Officer makes a request the Chair of Council will need to consider the request and determine whether the request meets the requirements of the policy and if he/she supports the business case. The business case will be considered by the Retirement Panel. Apart from this variation, the above process will apply.
1. INTRODUCTION

This procedure is intended to ensure that all employees, irrespective of race gender and/or disability are treated fairly and consistently. Whilst the ultimate sanction of dismissal can be applied for continual misconduct (or for gross misconduct), it is also an intention of the procedure to bring the consequences of misconduct or poor performance to the attention of the employees concerned so that they can improve their conduct and avoid dismissal.

2. SCOPE

The following procedure applies to all employees within Hawarden Community Council.

3. PRINCIPLES

3.1 The primary objective of the Council’s Disciplinary Procedure is to encourage employees to improve and correct unacceptable behaviour or conduct rather than simply punish employees.

3.2 At every stage in the procedure the employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.

3.3 At every stage during the disciplinary procedure, the employee will have the right to be accompanied by a representative, who could be an accredited trade union representative/official or a work colleague. The employee will be informed of this right in the letter requesting his/her attendance at meetings held under the procedure and again at the commencement of any meeting.

Whenever possible the date and time of any hearing should be mutually agreed by all parties, including the chosen representative.

3.4 No disciplinary action will be taken against an employee until the case has been fully investigated and the disciplinary action will be reasonable in the circumstances.

3.5 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty might be summary dismissal without notice and without payment in lieu of notice.
3.6 Employees will be provided with a written decision which will explain the disciplinary action being taken and set out the improvement or standard required.

3.7 An employee will have the right to appeal against any formal disciplinary penalty imposed.

3.8 As far as practicable, the aim is to deal with issues as thoroughly and promptly as possible.

3.9 Normally, no action under this procedure, including suspension will take place in respect of an officer who is an accredited representative of a trade union, and whose status has been notified to the authority in writing, until the circumstances of the case have been discussed with a full-time official of the trade union concerned.

4. INVESTIGATION

4.1 When a potential disciplinary matter arises, the Clerk & Financial Officer or Chair of the Council will arrange for an investigation to take place, including an investigatory interview with the employee(s) concerned. This should be done as quickly as possible in order to establish the facts before recollections and memories fade. Where feasible, the investigating officer responsible will be assisted by a representative from the Staff & General Purposes Committee or another person with appropriate experience of disciplinary investigations. Written notes of any meetings that take place will be made which will be used for possible reference later.

4.2 Having thoroughly investigated the facts, the investigating officer will be expected to come to a decision regarding the allegations and the facts and other matters established during the investigation. This could involve a recommendation that the matter be dropped entirely, that it be referred to an informal hearing or that it should be referred to a formal disciplinary hearing. In the latter situation, a report will be prepared summarising the information and evidence obtained and the conclusions and recommendations for further action under the Council's Disciplinary Procedure.

4.3 If the employee is accused of an act of gross misconduct, and it is felt inappropriate for the individual to remain at work because it might jeopardise the investigations or give concern for safe working practices etc., he/she will usually be suspended from work on normal pay, normally for no more than ten working days, whilst the alleged offence is investigated. The suspension will be kept under review. The provision for suspension is not, in itself, to be regarded as a disciplinary action and does not involve any prejudgment. Whether the employee is suspended or not must not be taken as an indication that any misconduct will, or will not, be deemed to be gross misconduct.
5. **INFORMAL ACTION**

There will be occasions when employees' misconduct, breaches of rules or unsatisfactory performance will be regarded as minor. In such cases the Clerk & Financial Officer or Chairman of the Council will meet with the employee confidentially to outline where improvement is required. Such counselling may be confirmed in writing.

6. **FORMAL DISCIPLINARY ACTION**

6.1 Before any disciplinary hearing the employee will be provided with full information of the allegations including the report of the investigating officer, witness statements and all relevant evidence/documents in good time to enable him/her to consider this with his/her representative prior to the hearing. This should not be less than five working days. The employee will be advised of the right to be accompanied at the hearing.

6.2 Any information to be relied upon by the employee at the hearing should normally be disclosed to the Presiding Officer, (i.e. the senior person from the Council who is to chair the disciplinary hearing), no less than two working days before the hearing.

6.3 At the hearing the procedure will be that the investigating officer will present the results of the investigation before the employee and will present any witnesses. The employee will be entitled to ask questions of the investigating officer and the witnesses. The employee will then be able to present his/her own case either him/ herself or through his/her representative and call any further witnesses. The employee will be required to respond to questioning by the investigating officer and the Presiding Officer at the hearing. All information placed before the Presiding Officer will be put in the presence of the employee and, if it is necessary to adjourn the hearing and reconvene for further information, this same principle will apply. Full details are set out in the Annexe to Appendix A1.

6.4 The following section explains the different levels of disciplinary action, or sanctions, which may be taken against an employee.

7. **LEVELS OF DISCIPLINARY ACTION**

7.1 **Stage 1 Warning - Verbal**

This is the lowest form of disciplinary action under the disciplinary procedure. If conduct or performance does not meet acceptable standards the employee will normally be given a stage 1 warning.

This level of warning may be given by the Clerk & Financial Officer. It will be a verbal warning and will be noted on the employment record.
7.2 **Stage 2 Warning - Written**

Where an offence is serious, or if a further offence occurs (which need not necessarily be of the same nature) whilst a stage 1 warning is still in force, the employee will be given a stage 2 warning.

This level of warning may only be given by a formally designated member of the Staff & General Purposes Committee. It will be a written warning and will be noted on the employee’s employment record.

7.3 **Final Warning**

This is the most severe level of warning that can be given under the disciplinary procedure. Such a warning may be issued in one of the following situations:

(i) Whilst a stage 2 warning is in force, there is a failure to improve and conduct remains unsatisfactory;

(ii) The misconduct is sufficiently serious, taking into account mitigating circumstances, to warrant only one formal warning, but insufficiently serious to justify dismissal (in effect both first and final warning). In these circumstances a final warning will normally be given to the employee; or

(iii) The misconduct is found to amount to gross misconduct but where mitigating circumstances are present such that the Presiding Officer does not deem it appropriate to dismiss the employee summarily. (See also paragraph 7.7 below).

Only The Chair of the Council, on the authority of the full Council, may give this level of warning.

7.4 **Dismissal**

If, whilst a final warning is still in force, conduct or performance remains unsatisfactory and the employee still fails to reach the prescribed standards, this will normally result in dismissal.

This action may be taken only by the Chair of the Council on the authority of the full Council.

7.5 **Gross Misconduct**

An employee may be dismissed without the operation of the above warnings procedure if an offence is deemed to be gross misconduct.

If, on completion of the investigation and the subsequent disciplinary hearing the Presiding Officer is satisfied that the employee has
committed an act of gross misconduct, the result will normally be summary dismissal, without notice or any payment in lieu of notice.

This action may be taken only by the Chairman of the Council on the authority of the full Council.

7.6 Examples of Potential Gross Misconduct

The following list provides examples of offences, which are normally regarded as gross misconduct, although each case will be considered on its own particular merits and circumstances:

- Theft, fraud, deliberate falsification of records;
- Fighting, assault or threats of violence against another person;
- Deliberate and serious damage to Council property;
- Serious incapability through alcohol or being under the influence of illegal drugs, with regard to any specific policies in place;
- Serious negligence which causes unacceptable loss, damage or injury;
- Serious act of insubordination;
- Serious discrimination or harassment against another employee, customer or service user;
- Unauthorised entry to computer records;
- Deliberately accessing Internet sites containing offensive or obscene material
- Bringing the Council into serious disrepute;
- A serious breach of health and safety rules;
- Serious breach of the Official Code of Conduct for Local Authority Employees.
- Disclosure of confidential information that could potentially seriously prejudice the interests of the Council.

This list provides examples only and is not exhaustive. It is impossible to anticipate every situation where gross misconduct may occur or to prescribe that on every occasion one of the cases listed above occurs, it will be judged to be gross misconduct.

7.7 Other forms of disciplinary action as an alternative to dismissal

In the case of serious or repeated offences where it is decided that mitigating circumstances indicate that dismissal is not appropriate, it may be appropriate for additional disciplinary action to be taken in addition to a final written warning. Appropriate action may include demotion, suspension without pay for a period not exceeding 10 working days. The Clerk & Financial Officer or nominated members of the Staff & General Purposes Committee will have authority to impose such action.
7.8 **Notification of the result of the Disciplinary Hearing**

The results of all disciplinary hearings will be confirmed in writing to all parties, including any representative, stating the employee's right of appeal, giving:

- The disciplinary action that has been taken (or not taken, as appropriate),
- The reason(s) why,
- The timescale within which improvement is required;
- The consequences if there is no satisfactory improvement or further misconduct occur.

8. **TIME LIMITS FOR WARNINGS**

8.1 Subject to satisfactory conduct and performance, the time periods that must elapse before warnings are regarded as 'spent' are as follows:

Stage 1 warning - six months
Stage 2 warning - one year
Final warning - one year

The time period of the warning commences from the date of issuing of the warning.

'Spent' warnings will not normally be used to determine the disciplinary action that will result from any future act of misconduct.

9. **APPEALS**

9.1 An employee who wishes to appeal against the formal disciplinary action taken under the Disciplinary Procedure must write to the Chair of the Council, to be received within five working days of receiving written confirmation of the disciplinary action, stating the reasons for the appeal, which may fall within one or more of the following categories:-

(a) The disciplinary sanction imposed is considered excessive for the nature of the offence/ misconduct which took place or inconsistent with the treatment that has applied to other employees in similar circumstances;
(b) Insufficient consideration was given by the Presiding Officer at the disciplinary hearing to the particular mitigating circumstances of the employee; or

(c) The disciplinary hearing did not take into account or was not aware of significant items of information or evidence before reaching its decision.

9.2 Appeals will be dealt with under the Council's Disciplinary Appeals Procedure, as set out in Appendix A to the document. Any written information to be relied upon by either party should normally be disclosed to each other a minimum of 2 working days (Monday to Friday) before the hearing.

APPENDIX A1

DISCIPLINARY APPEALS

1. An employee who wishes to appeal against any formal disciplinary action must write with their reasons to the Chairman of the Council within five working days of receiving the written decision regarding their wish to appeal. Receipt of the appeal will be acknowledged within two working days.

STAGE 1

2. The appeal will be considered by a Panel of three members of the full Council not previously involved in the matter. The appeal hearing will take place at the earliest practicable opportunity, normally within 15 working days of the receipt of the appeal notification. The employee may be accompanied by an accredited trade union representative or a work colleague.

The Council will issue the decision regarding the outcome of the appeal in writing to the employee within five working days of the hearing, including reasons for the decision.

The procedure for Stage 1 Appeal hearings is attached as an annexe to this document.

ANNEXE TO APPENDIX A1

PROCEDURE FOR DISCIPLINARY HEARING OR STAGE 1 APPEAL

(a) The hearing will be heard by a Panel comprising three Members of the full Council not previously involved in the matter.
The investigating officer will put the case in the presence of the employee and his/her representative and may call witnesses.

The employee (or his/her representative) will have the opportunity to ask questions of the investigating officer and any witnesses who are called by that person.

The investigating officer will have the opportunity to re-examine witnesses.

The Panel may ask questions of the investigating officer and witnesses.

The employee (or his/her representative) will put his/her case in the presence of the investigating officer and may call witnesses.

The investigating officer will have the opportunity to ask questions of the employee and any witnesses.

The employee (or his/her representative) will have the opportunity to re-examine witnesses.

The Panel may ask questions of the employee and any witnesses.

Witnesses will only stay in the room whilst they are giving evidence or are being questioned. They will leave the room as soon as they have finished.

The investigating officer and the employee (or his/her representative) may sum up their cases if they so wish.

The investigating officer and the employee and his/her representative and witnesses will withdraw.

The Panel will consider the facts in private, only recalling the investigating officer and the employee to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.

The Panel will announce the decision to the parties orally or in writing as may be determined. An oral announcement will be confirmed in writing in five working days.
HAWARDEN COMMUNITY COUNCIL

SMOKE-FREE POLICY

PURPOSE

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second hand smoke and to assist compliance with the Health Act 2006.

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers and non-smokers with the same airspace does not completely stop potentially dangerous exposure.

POLICY

It is the policy of Hawarden Community Council that all our workplaces are smoke-free, and all employees have a right to work in a smoke-free environment. The policy shall come into effect on Sunday, 1 July 2007. Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.

IMPLEMENTATION

Overall responsibility for policy implementation and review rests with Sharron Germaine Jones. However, all staff are obliged to adhere to, and support the implementation of the policy. The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also give all new personnel a copy of the policy on recruitment/induction.

NON-COMPLIANCE

Local disciplinary procedures will be followed if a member of staff does not comply with this policy. Those who do not comply with the smoke-free law may also be liable to a fixed penalty fine and possible criminal prosecution.

HELP TO STOP SMOKING

The NHS offers a range of free services to help smokers give up. Visit gosmokefree.co.uk or call the NHS Smoking Helpline on 0800 169 0169 for details. Alternatively you can text ‘GIVE UP’ and your full postcode to 88088 to find your local NHS Stop Smoking Service.

Signed ..................................................          Date ..................................

On behalf of: Hawarden Community Council