

LEDBURY TOWN COUNCIL

TOWN COUNCIL OFFICES, CHURCH STREET, LEDBURY

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1 December 2023

TO: Councillors Bradford, Chowns, Hughes, l'Anson (Chair), Morris

Dear Member

You are hereby summoned to attend a meeting of the **Resources Committee** which will be held in the **Council Offices, Church Lane, Ledbury**, on **Thursday, 7 December 2023 at 6.30 pm** for the purposes of transacting the business set out below.

Yours faithfully

Angela Price
Town Clerk

FILMING AND RECORDING OF COUNCIL MEETINGS

Members of the public are permitted to film or record meetings to which they are permitted access, in a non-disruptive manner. Whilst those attending meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record or broadcast must respect the rights of other people attending under the Data Protection Act (GDPR) 2018

A G E N D A

1. **To receive apologies for absence**
2. **To receive declarations of interest and written requests for dispensations**
(Members are invited to declare disclosable pecuniary interests and other interests in items on the agenda as required by Ledbury Town Council's Code of Conduct for Members and by the Localism Act 2011)
(Note: Members seeking advice on this item are asked to contact the Monitoring Office at least 72 hours prior to the meeting)
3. **To approve as a correct record the minutes of meetings of the Resources Committee held on 5 October 2023** (Pages 154-157)
4. **Action Sheet** (Pages 158-159)

5. **Sickness absence statistics** (Pages 160-161)
6. **Accidents reported Jan – December 2023** (Pages 162-163)
7. **Policies for recommendation to Finance, Policy & General Purposes Committee** (Pages 164-185)
 - i. **Draft Training Policy and Succession planning documentation**
 - ii. **Draft Anti-Harassment & Bullying**
 - iii. **Draft Unpaid Leave**

8. **Date of next meeting**

To note that the date of the next meeting of the Resources Committee is scheduled for 1 February 2024

9. **Exclusion of Press and Public**

In accordance with Section 12(2) of the Public Bodies Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting

10. **Staffing Matters** (Pages 186-187)

Outcome of Appeals Hearing – Post Holder 47

Distribution: Full agenda to: - Committee members (4)

Agenda front pages to all non-committee members (6)

LEDBURY TOWN COUNCIL

**MINUTES OF A MEETING OF THE RESOURCES COMMITTEE
HELD ON 5 OCTOBER 2023**

PRESENT: Councillors Bradford, Chowns, Hughes, l’Anson (Chair), and Morris

ALSO PRESENT: Councillor McAll
Angela Price – Town Clerk

R19. **APOLOGIES**

None received.

R20. **DECLARATIONS OF INTEREST**

None received.

R21. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF A MEETING OF THE RESOURCES COMMITTEE HELD ON 31 AUGUST 2023**

RESOLVED:

That the minutes of the Resources Committee meeting held on 31 August 2023 be approved as a correct record, subject to the following amendment:

Minute No. R17(ii) be amended to read as follows:

“Members were requested to endorse the actions of the Town Clerk in which she had agreed to Post Holder 50 reducing their hours from 37 to 30 per week in support of flexible working.”

R22. **ACTION SHEET**

Members were provided with an update on the Action Sheet items that remained outstanding.

The Clerk advised that a response had been received from Red Kite Solicitors, who had advised that there was a conflict in respect of the cease-and-desist letter and advised that it would be necessary to speak to an alternative solicitor in relation to this.

Councillor Bradford asked why R17(ii)(2) was still identified as not complete, as he considered that this had been discussed and agreed not to proceed with. The Clerk reminded Members that this committee had agreed that this item should be referred to the Planning, Economy &

Tourism Committee for consideration, and that that committee had agreed that it should be considered as part of the Markets Strategy.

A discussion ensued in respect of the Markets Strategy and Councillor Morris raised concerns over the length of time it has taken to produce a Market Strategy, commenting that this goes back as far as 2019 when the CDO was originally asked to create a draft Strategy and he expressed his frustration at this being no further forward.

It was noted that this was a matter for discussion at the Markets Working Party, or Planning, Economy, & Tourism Committee and not relevant to the Resources Committee and should be marked as discharged by this committee.

RESOLVED:

That the action sheet be received and noted, noting that R17(ii)(2) should now be shown discharged by this committee.

R23. **CONSIDERATION ON WHETHER COVER SHOULD BE PROVIDED FOR STAFF ON ANNUAL LEAVE FROM EXTERNAL SOURCES**

Members were requested to consider a report in respect of annual leave cover for staff, which had been raised by Councillor Morris at the meeting of the Resources Committee at its meeting on 31 August 2023.

The report highlighted reasons why getting temporary employees in to cover staff for periods of two weeks or less was impractical and which would have the opposite effect to that suggested by Councillor Morris, which was to help reduce the workload on staff.

RESOLVED:

That external cover for staff on short term annual leave is not considered at this time, and that as this is an operational matter it be left for senior staff to manage as part of their roles.

R24. **DATE OF NEXT MEETING**

RESOLVED:

To note that the next meeting of the Resources Committee is scheduled to take place on Thursday, 7 December 2023.

R25. **EXCLUSION OF PRESS AND PUBLIC**

Before taking the decision to exclude the Press and Public a request was made that Councillor Mc All be permitted to remain for the remainder of the meeting.

RESOLVED:

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

R26.

STAFFING MATTERS

- i. Request from Post Holder 59

Members were requested to consider a request from Post Holder 59 for a period of unpaid leave.

RESOLVED:

1. That Post Holder 59's request for a period of unpaid leave be granted.
 2. That Post Holder 60 be offered the opportunity to step into the role in the absence of Post Holder 59.
 3. That if Post Holder 60 does not wish to step into the role in the absence of Post Holder 59 the Clerk take the necessary steps to fill the post for the period 4 – 22 December 2023 and that the one-week period in January when the post holder will be on paid annual leave be covered as it would usually be.
 4. That the Clerk prepare a draft Unpaid Leave Policy for consideration at the next meeting of the Resources Committee.
- ii. Consideration of extension to paid sick leave – Post Holder 47

RESOLVED:

That sick pay be paid in accordance with Employee Terms and Conditions as detailed in their contracts and the Council's Sickness absence Policy.

R27. iii. Staff Protection Measures

Please refer to Minute No. R40 of the Resources Meeting held on 1 February 2024 for clarification on why this minute has been struck from the record and replaced with the alternative minute as detailed below.

~~Members were requested to give consideration to possible staff protection measures being put in place to protect staff from unwelcome, persistent communications from both Councillors and members of the public.~~

~~It was noted that there was a need for something to be in place currently and it was agreed that Councillor Hughes would be the point of contact for Councillor Sinclair until such time ongoing issues could be resolved.~~

~~That a draft procedure be prepared by the Clerk and that the procedure provide a clear strategy in respect of providing a named senior councillor to take up the role of interim contact.~~

RESOLVED:

- ~~1. **That the Clerk draft a Distancing Procedure designed to protect staff from unwelcome, persistent communications from both Councillors and members of the public.**~~
- ~~2. **That in the interim Councillor Hughes be the point of contact for Councillor Sinclair, until such time ongoing issues can be resolved.**~~

Members were requested to give consideration to possible staff protection measures being put in place to protect staff from unwelcome, persistent communications from both Councillors and members of the public.

It was noted that when contacting the office there is currently a policy in place whereby Councillors are informed that in the first instance they should contact the Clerk, or Deputy Clerk in their absence, they should not be contacting other staff.

Councillor Hughes advised that this conversation is about what distancing measures can be put in place, noting that the Council is not in a position whereby they can “sanction” any one particular Councillor, all that can be done is to protect staff by distancing of people who are reported to a line manager for presenting vexatious and/or aggressive behaviour. It was noted that the Council can put in distancing arrangements by way of a “request” that all communications between an individual and an employee be by way of a named person and if they

want information or want to get in touch with the person and generally speaking this should be the Mayor or Deputy Mayor as the two most senior councillors, however, it could be any other Councillor. He reiterated that this can only be a request and it cannot be ordered as it could then be deemed as a “sanction” which is not within the remit of Council to put in place.

It was suggested that a draft policy/procedure be prepared by the Clerk and that the policy/procedure whereby if a vexatious complaint is reported to a line manager a distancing principle will be adopted and that the individual be asked to consider a request to provide them with one point of contact which should be senior councillor such as the Mayor or Deputy Mayor, due to them having the experience and standing within council in order to handle such a situation.”

RECOMMENDATION:

That this council adopt a distancing policy where an individual councillor is acting in a vexatious and/or aggressive manner towards a member of staff who has reported to the Mayor that it be recommended to Council that they apply the distancing policy where that person is requested to only make contact with a named senior councillor.

R28. CORRESPONDENCE RECEIVED FROM LEDBURY RESIDENT

Members were provided with copies of further communications from a local resident.

RESOLVED:

That the Clerk respond to the resident to acknowledge receipt of the latest communication.

The meeting ended at 8.20 pm.

Signed Date

**ACTION SHEET
EO RESOURCES COMMITTEE**

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
Jan-23					
R189(2)	That officers prepare the following draft policies for consideration at FP & GP - Training Policy/Succession Policy	TC/DTC	23.03.2023	Draft policies to be prepared and added to FP & GP agenda in March	In progress
Jul-23					
R7(7)	That the Local Government Pension Scheme be referred to the Finance, Policy & General Purposes Committee for further consideration.	TC	21.09.2023	To be included on next FP&GP Agenda	In progress
Aug-23					
R17(iii)(6)	That following the team building day the Clerk provide a report to the committee	TC	December meeting	Report to be included on agenda for meeting 07.12.23	In progress
Oct-23					
R26(i)(1)	That post holder 59's request for a period of unpaid leave be granted	TC	06.10.2023	Post holder advised of outcome	Completed
R26(i)(2)	That PH 60 be offered the opportunity to step into the role in the absence of PH 59	TC	06.10.2023	PH 60 Declined offer to take up alternative role	Completed
R26(i)(3)	That if Post Holder 60 does not wish to step into the role in the absence of Post Holder 59 the Clerk take the necessary steps to fill the post for the period 4 – 22 December 2023 and that the one week period in January when the post holder will be on paid annual leave be covered as it would usually be.	TC	Oct/Nov 2023	TC to consider appropriate way to advertise and fill post - Post filled and candidate commenced work 20.11.2023	Completed
R26(II)	That sick pay be paid in accordance with Employee T & C's as detailed in staff contracts and the Council's sickness absence policy	TC	10.09.2023	Letter sent to post holder 47 advising that no extension to sick pay entitlement period	Completed
R27(iii)(1)	That the Clerk draft a Distancing Procedure designed to protect staff from unwelcome, persistent communications from both Councillors and members of the public.	TC	Nov Resources		In progress
R27(iii)(2)	That in the interim Councillor Hughes be the point of contact for Councillor Sinclair, until such time ongoing issues can be resolved.	Cllr Hughes		Councillor Hughes	In Progress
R28	That the Clerk respond to the resident to acknowledge receipt of the latest communication.	TC	09.10.2023	Acknowledgement of receipt of email sent	Complete3d

Report prepared by Charlotte Barltrop

SICKNESS ABSENCE STATISTICS

Purpose of Report

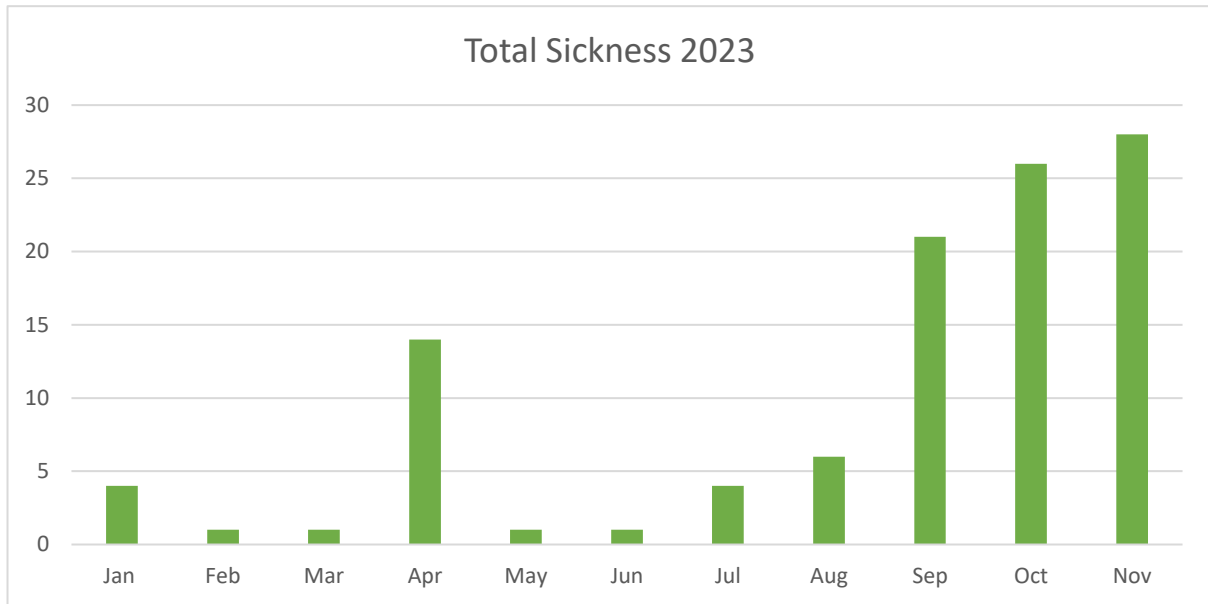
The purpose of this report is to provide Members of the Resources Committee with information on the sickness absence in 2023.

Detailed Information

The graph below provides details of short-term and long-term sickness in respect of all Ledbury Town Council staff for the period 1 January 2023- 30 November 2023.



The graph below provides the total number of sick days in respect of all Ledbury Town Council staff for the period 1 January 2023- 30 November 2023.



Recommendation

That Members receive and note the above information.

Report prepared by Charlotte Barltrop

Purpose of Report

The purpose of this report is to provide Members of the Resources Committee with information on the 2023 accidents that have occurred in the last twelve months, which involve members of staff.

Detailed Information

Since December 2022 there have been 2 reported accidents, neither of which needed reporting under the RIDDOR legislation.

Both have been minor accidents, neither of which required medical treatment or resulted in the employee having time off.

Recommendation

That Members receive and note the above information.



LEDBURY
TOWN COUNCIL
TRAINING AND DEVELOPMENT POLICY

This Policy is to be read in conjunction with the following policies:

- *Equal Opportunities Policy*
- *Agile Working Policy*

Ledbury Town Council aims to operate effective and efficient high standards of service to the residents of and visitors to Ledbury. To achieve this aim, the Council recognises that training and development plays an integral part in both employee and councillor development, based on equality of opportunity to all.

According to the Chartered Institute of Personnel and Development (2007), Training can be defined as a “planned process to develop the abilities of the individual to satisfy current and future needs of the organisation”.

Ledbury Town Council recognises that its most important resource is its employees and councillors, and is committed to encouraging both to enhance their knowledge and qualifications through further training.

Training courses, which will benefit the Council, provide relevant development opportunities and enable employees and councillors to perform their duties and responsibilities efficiently and effectively will be prioritised.

The Council will look proactively at offering financial assistance to support appropriate training and development programmes.

Councillors will be provided with opportunities at induction and throughout their term of office to become familiar with changes to legislation, their roles and responsibilities as councillors and to develop themselves in order to better support the community they serve.

Employee training may be identified through formal and informal discussions, when reviewing job descriptions, at supervision and appraisals and agreed via line managers in liaison with the Chief Officer.

Equality

In putting this procedure into practice, no aspect of this procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability and/or union membership or any other grounds likely to place anyone at a disadvantage, in accordance with the Equality Act 2010.

PROCEDURE

Training Categories

Statutory – Statutory training is that which is required under legislation to ensure that all employees and councillors are trained to the level required by statute.

Occupational – Occupational training is that which is required in order to acquire and refresh the skills needed to carry out particular roles which form part of the employee's job profile or a role which they will undertake in the near future. There may be some occupational training required for councillors who undertake specific duties, such as appraisal training, chairing skills, understanding planning legislation or other requirements that the council needs to comply with in its role as employer.

Vocational – Vocational training is that which is not necessarily required for the role, but may be deemed useful as the skills, knowledge and qualifications obtained will add to the development of the employee or councillors if not covered by statutory or occupational training.

Training Facilities

The Council will make available facilities to employees to enable them to:-

- Attend approved daytime training courses or courses held wholly or partly outside office hours
- Study by way of distance learning courses
- Have provision of a study area at the Council offices for agreed study during working hours
- Support staff studying from home during working hours via its Agile Working Policy

The Clerk will arrange for Councillors to be booked onto relevant training as agreed through their induction programme or requested throughout their term of office.

Training Budgets

The Clerk is responsible for managing the training budget for both staff and councillors. Requests to increase the training budget in year MUST be made to the Resources Committee, who will make recommendation to either the Finance, Policy & General Purposes Committee or Full Council.

In an election year the Councillor training budget will be increased by 75% in order to arrange a training package for new/returning councillors. This will include Code of Conduct and any other courses councillors may consider appropriate.

Costs

The Council will meet the cost of reasonable expenses for:

- Staff salary and other contractual benefits
- Course and examination fees (noting that failure to attend a pre-booked course may result in the employee paying towards the cost of the course)
- Travel costs, either by public transport or use of own transport in line with the terms and conditions set out in the National Joint Council Local Government Services Pay and Conditions of Service. It is expected that wherever possible, all employees and councillors will use the cheapest form of transport available.

Study Material

- Any essential reading material purchased by the Council will remain the property of the Council and must be returned to the Council at the end of the training course. Failure to do so will result in the employee being charged full replacement costs.

Examinations

Paid leave for pre-examinations study and to sit examinations will be granted as follows:

- Half day study leave for a half day examination
- One day study leave for a one day examination
- Two days study leave for a two day examination
- Up to a maximum of three days study leave for examinations of three or more days

Requesting Training

All staff have the right to request training and each case will be considered on its own merit.

- The Deputy Clerk is responsible for ensuring that all staff receive statutory training and attend all the appropriate refresher courses
- Requests must be made in writing to the employee's line manager who will forward them to the Town Clerk for consideration
- Requests for vocational training **MUST** be approved by the Resources Committee

Appeals

If a request for training is declined any appeal **MUST** be made in writing to the Town Clerk within 5 working days of the refusal giving reasons why the training is required.

If this is not successful an appeal may be made, again within 5 working days of the Clerk's refusal, to the Resources Committee whose decision will be final.

Repayment of Training Costs

If an employee leaves the employment of Ledbury Town Council, except for redundancy or dismissal, within two years of receiving training paid for by the Council they will be required to repay an aggregated percentage towards the cost.

Failure to complete a training course due to lack of interest may result in the Council reclaiming the cost of the training and any other costs involved i.e. travel and overtime.

Failure to complete statutory training may result in disciplinary action being taken.

Evaluation

Records of all training undertaken by employees and councillors will be kept on a training database, and hard copies of certificates will be kept in staff personnel files.

Staff will be asked to provide feedback to their line manager on the quality of the training they undertake, if they have any best practice or learning to highlight the overall value and effectiveness of the training. Councillors will be asked to provide feedback to the Town Clerk.

The Town Clerk will report annually to the Resources Committee on progress detailing employee and councillor training attended throughout the year.

Adopted:
Review Date:

SUCCESSION PLAN RISK & ACTION LOG

Position Title	Description of Risk	Mitigating Actions	Action Owner	Date action to be taken by

Additional notes/comments:

SUCCESSION PLAN

POST

DATE OF COMPLETION:

DATE OF NEXT REVIEW:

POSITION						
CURRENT INCUMBENT						
LEAVING DATE (if applicable)						
Number of Direct Reports						
TEMPORARY/SHORT-TERM COVER						
READY NOW						
READY IN 6 - 12 MONTHS						
READY IN 1 - 2 YEARS						
READY IN 2+ YEARS						
CONTENT IN CURRENT ROLE OR NOT APPLICABLE						

Other comments/succession disc:

SUCCESSION PLAN - GUIDANCE ON COMPLETION

Creating your Succession Plan (see next tab)

The succession planning template can be completed once all relevant review and career conversations have taken place. These can be done on the basis of teams or specific roles, dependent on the organisation's needs. Roles, current incumbents and leaving dates (if known) can be added - the level of readiness of potential successors is then indicated by entering the names of the individuals who have been assessed in relation to fulfilling roles in the short or longer-term. This provides for discussions on everybody within teams, not just those who are deemed ready now. It also provides for discussions on succession for lateral moves and/or beyond those in traditional hierarchies. Individuals' interest/readiness for roles outside of their current service/professional area/specialty can also be reviewed.

Risk and Action Log (see end tab)

The Succession Planning template also provides opportunity to highlight risks and identifying mitigating actions. Common risks include:

- Succession decisions being made on assumptions about the individual's aspirations and readiness
- Selective plans – only including those who are favoured/deemed ready now rather than including/discussing the potential, aspirations and readiness of everyone
- Lack of diversity in the talent profile of the organisation following succession decisions.
- Only looking at the short or long-term picture, rather than both may preclude some individuals from taking up immediate/temporary or future opportunities
- Individuals appearing as successors to multiple roles when they can only fill one
- Over or under supply in the pipeline – having too many individuals who are ready with no roles to fill, or a lack of appetite/preparedness for certain roles

It is suggested that this is completed following completion of the succession plan and reviewed regularly to ensure actions are implemented.

LEDBURY TOWN COUNCIL

DRAFT ANTI-HARASSMENT AND BULLYING POLICY

Introduction

Our aim is to provide a working environment that respects the rights of each employee and where colleagues treat each other with respect. Any behaviour that undermines this aim is unacceptable.

Ledbury Town Council does not tolerate any form of harassment or bullying under any circumstances. While implementing and upholding the policy is the duty of all our managers and supervisors, all employees have a responsibility to ensure that harassment does not occur in Ledbury Town Council.

Principles and procedures

The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. Ledbury Town Council will not tolerate harassment or bullying of:

- job applicants
- employees
- contractors
- agency workers
- the self-employed
- ex-employees.

This policy also applies to work related functions which are held outside of normal working hours, either on or off Ledbury Town Council premises, such as Christmas parties, leaving celebrations, working lunches, etc.

Harassment

Harassment is unwanted conduct related to a relevant protected characteristic (an area covered by discrimination legislation) which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment for them.

Harassment will also occur where a colleague is treated less favourably because he or she has rejected or refused to submit to sex-based harassment, sexual harassment, or gender reassignment harassment.

Where it cannot be established that there was an intention to offend, conduct will only be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment if, taking all the circumstances into account it would be reasonable to come to that conclusion.

People can be subjected to harassment on a wide variety of grounds. Some examples are:

- sex-based (purely because of gender) or sexual (sexual in nature)
- sexual orientation
- trans-sexualism (gender reassignment)
- being married or a civil partner
- race, nationality, ethnic origin, national origin, or skin colour
- disability itself or a reason relating to it.
- age
- employment status, e.g., part-time, fixed term.
- membership or non-membership of a trade union
- carrying out health and safety duties
- religion or religious beliefs or lack of either
- deeply held personal beliefs or lack of them
- political beliefs
- criminal record
- health, e.g., aids/HIV sufferers
- physical characteristics
- social class
- willingness to challenge harassment – being ridiculed or victimised for raising a complaint

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs, once it has been made clear by the victim that they consider it offensive. One incident may constitute harassment, however, if it is sufficiently serious. Harassment on any grounds, including the above, will not be tolerated.

Harassment at work is unlawful under the Equality Act 2010.

Ledbury Town Council together with any managers or supervisors who fail to take steps to prevent harassment or investigate complaints may be held liable for their unlawful actions and be required to pay damages to the victim, as will the employee/councillor who has committed the act of harassment. There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

Ledbury Town Council will also be liable for harassment that comes from a third party (e.g., a customer or supplier) if that harassment occurs on at least two occasions, the organisation is aware that it has happened and does nothing to stop it happening.

Harassment on any grounds is also a criminal offence, primarily under the Protection from Harassment Act 1997. This means that colleagues who suffer harassment may contact the police, in the case of harassment from fellow employees or harassment by third parties. Those found guilty face fines or periods of imprisonment of up to two years.

Additionally, an employee harassed by a colleague may sue that colleague personally for the damage and distress caused. Ledbury Town Council may be held vicariously liable under the Protection from Harassment Act for any harassment perpetrated by an employee whenever the behaviour in question is closely connected to the employment relationship.

Examples of harassment

Employees must recognise that what is acceptable to one employee may not be acceptable to another.

Examples of harassment include:

- Verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs.
- Non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive emails, text messages on mobile phones and offensive objects.
- Physical – unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault, and physical coercion.
- Coercion – pressure for sexual favours (e.g., to get a job or be promoted) and pressure to participate in political, religious or trade union groups, etc.
- Isolation or non-cooperation and exclusion from social activities.
- Intrusion – following, pestering, spying, etc.

Bullying

Bullying is a gradual wearing down process comprising a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of intimidating, belittling, and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning his or her worth in the workplace and society as a whole.

Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious:

- shouting or swearing at people in public and private
- persistent criticism
- ignoring or deliberately excluding people
- persecution through threats and instilling fear
- spreading malicious rumours

- constantly undervaluing effort
- dispensing disciplinary action that is totally unjustified
- spontaneous rages, often over trivial matters
- The less obvious:
 - withholding information or supplying incorrect information
 - deliberately sabotaging or impeding work performance
 - constantly changing targets
 - setting individuals up to fail by imposing impossible deadlines.
 - levelling unfair criticism about performance the night before an employee goes on holiday.
 - removing areas of responsibility and imposing menial tasks
 - blocking applications for holiday, promotion, or training.

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

The impact of harassment and bullying

Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The damage, tension, and conflict that harassment and bullying create should not be underestimated. The result is not just poor morale, but higher labour turnover, reduced productivity, divided teams, poor service, and poor product quality.

Public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention. This can result in a loss of customers.

Enforcement

Any harassment or bullying will be classed as gross misconduct, for which employees may be summarily dismissed.

All employees will be informed of Ledbury Town Council policy towards harassment and bullying at induction training and through communication and awareness programmes. It will be stressed that all complaints of harassment will be treated seriously.

Ledbury Town Council expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all employees to respect the dignity of their colleagues. The policy will be regularly monitored by the Personnel Committee to ensure that it is achieving its aims and that managers and employees are confident about its application.

Training, communication, and awareness

Ledbury Town Council recognises that a written policy is not sufficient to eliminate harassment and bullying. Prominent and regular communication, training and awareness sessions are important to ensure that all employees:

- Understand our commitment to prevent harassment and bullying.
- Understand their responsibilities and role in the process.
- Know how to seek advice and guidance.
- Know how to make complaints and are confident they will be handled effectively.

- Ledbury Town Council is committed to communicating the policy effectively through:
 - training and awareness programmes for all staff at all levels
 - briefings for employee and trade union representatives
 - posters / notices on staff notice boards.
 - a section in the staff handbook
 - line manager support to guide employees through the policy and procedures.
 - inclusion in Team meetings
 - induction.

Date adopted by the Council – XXXX
Date for Review – XXXX

ANTI-HARASSMENT AND BULLYING PROCEDURES

Advice

Ledbury Town Council recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. Ledbury Town Council operates an open-door policy to discuss workplace problems and employees can discuss the matter with their manager on an informal basis.

Ledbury Town Council recognises that this may not always be appropriate in the circumstances, however. If this is the case, employees can discuss the situation with the next higher level of management or with the Town Clerk.

Advisers / line managers will:

- ensure the conversation remains confidential as far as possible.
- listen sympathetically.
- help individuals consider objectively what has happened.
- discuss what outcome the individual would wish to see
- draw attention to available procedures and options.
- inform the individual of the legal liabilities involved.
- help weigh up the alternatives, but without pressure to adopt any particular course.
- Assist the individual in dealing with the situation if they ask for help.

Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are very serious, however, Ledbury Town Council reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/ bully's behaviour.

Solutions

It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal.

Informal

Employees can choose to solve the matter themselves by approaching the harasser or bully, telling him or her that their behaviour is unwelcome and that it must stop. Otherwise, a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague or a union representative who can support the victim when speaking to the harasser or bully.

A third option, is that the victim can put his or her views in writing to the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop.

Formal

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance, with the procedure adapted to take account of the sensitivities of such situations. Each step and action under the formal complaint's procedure will be taken without unreasonable delay.

Complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected. Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter. The procedure is as follows:

Step 1: Lodging a statement of grievance and conducting an investigation:

- The complaint should be put in writing, outlining the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully.
- If the victim would find it distressing to set out their complaint in writing, then he or she should contact the Town Clerk who will provide assistance
- The written complaint should initially be lodged with the employee's manager. If this would not be appropriate in the circumstances, it should be lodged with the relevant member of the Personnel Committee.
- An independent investigator will be appointed who has had no previous involvement with the situation and who will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses. the right to accompaniment will be provided to all those interviewed.
- The investigator will submit a full report to the Town Clerk, or if not appropriate, the Chair of the Personnel Committee

Step 2: Grievance meeting:

- The employee will be invited to a meeting with the Town Clerk, or if not appropriate, the Chair of the Personnel Committee to discuss the grievance and the result of the independent investigator's report.
- The employee will be provided with the right to accompaniment.
- The timing and location of the meeting must be reasonable.
- The meeting will not take place until the Town Clerk, or if not appropriate, the Chair of the Personnel Committee has had a reasonable opportunity to consider the information contained in the employee's grievance letter and the independent investigator's report.
- The employee must take all reasonable steps to attend the meeting.
- The meeting must be conducted in a manner that enables the employee to

explain his or her case and the Town Clerk, or if not appropriate, the Chair of the Personnel Committee to set out the results of the investigation.

- After the meeting, the employee will be informed of the decision as to the grievance and notify the employee of the right to appeal against that decision if the employee is not satisfied with it.

Step 3: Hearing the appeal:

- If the employee wishes to appeal, s/he must inform the Leader of the Council.
- The employee will be invited to attend a further meeting.
- The employee will be provided with the right to accompaniment.
- The timing and location of the meeting will be reasonable.
- The employee must take all reasonable steps to attend the meeting.
- The meeting will be conducted in a manner that enables both sides to explain their cases.
- After the appeal meeting the Leader of the Council will inform the employee of the final decision, within five working days.

Full records will be kept of the grievance proceedings and copies of meeting records given to the complainant.

If, at the end of Step 1, the complaint is upheld the matter will be passed to the appropriate line manager to conduct a disciplinary hearing with the person who perpetrated the harassment or bullying.

Continuing to Work Together

Whether a complaint is upheld or not, Ledbury Town Council recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case Ledbury Town Council will consider a voluntary request from either party to transfer to another job or work location. A transfer cannot always be guaranteed, however and if it is not possible for either party to transfer to another job or work location measures will be put in place to protect both parties. These measures could be in the form of:

- A change in line management
- Dedicated point of contact for either party
- If the alleged offence is deemed serious the offending party may be suspended whilst the investigation is ongoing (employee only)

Monitoring

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim.

Ledbury Town Council will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Malicious complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to Ledbury Town Council's disciplinary procedure, as will any witnesses who have deliberately misled Ledbury Town Council during its investigations.

Complaints to an employment tribunal

While Ledbury Town Council trusts that employees will use the internal procedure to resolve any concerns they have about harassment, claims can be lodged with an employment tribunal where harassment is on the grounds of:

- sex
- gender reassignment
- race
- disability
- sexual orientation
- religion
- belief
- age
- marriage and civil partnership.
- pregnancy and maternity

LEDBURY TOWN COUNCIL

DRAFT UNPAID LEAVE POLICY/PROCEDURE

Introduction

Ledbury Town Council understands that occasionally, situations may arise in which an employee needs to take time off for personal matters. Accordingly, the Council allow employees to take a personal leave of absence, provided that certain conditions are satisfied. However, employees should note that unpaid leave is not a right and may not be approved. Any approval will be given on a discretionary basis subject to conditions including but not limited to the following:

- The employer's ability to manage the planned absence and/or to backfill the position
- An acceptable period of notice is to be provided by the employee, in writing.
- All other appropriate leave balances and options have been exhausted or are not available to the employee i.e. annual paid leave, maternity or paternity leave. **Unpaid leave is not an alternative to using other forms of statutory or non-statutory leave where relevant.**
- Unpaid and paid leave are not combined to extend the planned absence to an unreasonable or unacceptable level.
- The employee fully understands and accepts the impact on salary and pension payments etc.
- Individuals must have been employed by Ledbury Town Council for a minimum of 1-year to be eligible to apply for an unpaid personal leave of absence

Application Process

All applications for unpaid leave must be made in writing to your line manager in the first instance. The request must include the following information:

- Planned dates of absence
- Reason for absence
- Employee's contact details during the period of absence
- Statement explaining why other forms of leave are not appropriate

Decision Process

The decision of whether Unpaid Leave is granted sits with the Line Manager for periods of less than two-week's, and the Resources Committee for any periods which extend beyond two-week's.

The Line Manager or Resources Committee shall review and act upon a request for unpaid personal leave in consideration of the following factors:

- The purpose for which the leave is requested
- The length of time the employee will be away.
- The effect the leave will have on the ability of the Council to carry out its business

- The quality of the employee's performance prior to the submission of the request

Following approval the employee must ensure procedures are in process for all aspects of their role, to ensure anyone covering the role is able to carry out the tasks required.

If the absence extends beyond two-weeks consideration should be given to back filling the role for the period of absence.

The decision of the Line Manager or Resources Committee is final and there is no option to appeal the .

Adopted:
Review Date: