



LEDBURY TOWN COUNCIL

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18 September 2026

TO: Councillors Chowns, Eakin, Hamblin, Harvey (Chair), and 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, 24 September 2026 at 6.00 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 and sign as a correct record the minutes of a meeting of the Resources Committee held on 3 September 2026 and to consider any recommendations therein**
(Pages 959 - 963)

4. **Policies** **(Pages 964 - 1000)**

1. To review Dignity at Work/Civility at Work Policy
2. Councillor & Staff Protocol & Principles of Good Practice

5. **Date of next meeting**

To note that the next meeting of the Resources Committee is scheduled for 24 September 2026

6. **Exclusion of Press and Public**

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

7. **Staffing Matters** **(Pages 1001-1002)**

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

Agenda front pages to all non-committee members (7)

**MINUTES OF A MEETING OF THE RESOURCES COMMITTEE
HELD ON 3 SEPTEMBER 2026**

PRESENT: Councillors Chowns, Eakin, Harvey (Chair) and Morris

ALSO PRESENT: Angela Price – Town Clerk

R388. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hamblin.

R389. DECLARATIONS OF INTEREST

None received.

**R390. TO APPROVE AS A CORRECT RECORD THE MINUTES OF A
MEETING OF THE RESOURCES COMMITTEE HELD ON 29 JULY
2026**

RESOLVED:

That the minutes of the Resources meeting held on 29 July 2026 be approved and signed as a correct record.

R391. UPDATE ON 2026/27 LOCAL GOVERNMENT PAY AWARD

Members were provided with a report advising of the agreed Local Government Pay Award 2026, which was for receiving and noting.

RESOLVED:

- 1. That the nationally agreed 3.3% pay award for the period 1 April 2026 to March 2027 be received and noted, noting that the anticipated increase to the 2026/27 salary budget will be £14,935 plus on costs,**
- 2. That Members note that the revised salary scales will be applied retrospectively from 1 April 2026 to all eligible employees.**
- 3. That the payment of the resulting salary arrears and associated employer's National Insurance and Pension Contributions be approved.**
- 4. That Members note that any eligible former employee who left the Council after 1 April 2026 may request payment of the arrears due up to their final day of employment.**

5. That the Clerk provides Members information on how the pay award impacts on the 2026/27 salaries budget.

R392. **TO REVIEW TRAINING POLICY**

Members were asked to review the proposed amendments to the Training Policy.

RECOMMENDATION

1. That the Draft amended Training Policy be recommended to Full Council for approval subject to amendments in respect of spelling errors.
2. That the Training Policy be reviewed every two years, or sooner if there is a relevant change in legislation or Council arrangements.

R393. **DATE OF NEXT MEETING**

RESOLVED:

That it be noted the next meeting of the Resources Committee is scheduled for 24 September 2026.

R394. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

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 be excluded from the remainder of the meeting.

R395. **STAFFING MATTERS**

Resignation of Community Development Officer

Members were formally advised that the Community Engagement Officer had submitted her resignation to take up a new role.

Members discussed whether to recruit a direct replacement or proceed instead with recruitment to the Communities Manager post identified through the recent staffing review.

The Chair reminded Members that the Council had recently resolved to consider bringing forward the recruitment of the Communities Manager and Tourism & Markets Officer posts. This was, however, a separate

matter from filling the vacancy created by the resignation of the Community Engagement Officer.

It was noted that the officer had recently commenced a PRINCE2 qualification funded by Ledbury Town Council at a cost of £1,335.

Members considered whether, given the timing of the resignation, it would be reasonable to seek repayment of all or part of the course fees.

Following consideration, it was **RESOLVED:**

- 1. That the resignation of the Community Engagement Officer be noted.**
- 2. That the Community Engagement Officer be asked to repay £750 towards the cost of the PRINCE2 qualification and that this is paid back by the end of the 2026/27 financial year.**
- 3. That the Clerk be delegated authority to agree an appropriate repayment arrangement with the officer.**
- 4. That the title of the Community Engagement Officer post be changed to Community Development Officer, to avoid confusion arising from the acronym "CEO".**
- 5. That the Clerk be instructed to proceed with advertising the Community Development Officer vacancy.**
- 6. That the timetable set in respect of the potential early recruitment of the Communities Manager and Tourism & Markets Officer continue as previously resolved by Council.**

Staff Attendance Analysis

Members were provided with an analysis of staff attendance for the period January to July 2026.

RESOLVED:

That the information in respect of staff attendance analysis be received and noted.

Staff Training

Members were provided with an update on staff training.

RESOLVED:

1. That members receive and note the update in relation to staff training.
2. That Members note and support the training being offered to the Administrative Assistant due to a skills gap identified due to two staff members leaving the employ of the Council.

R396.

APPEAL AGAINST DECISION NOT TO AUTHORISE REIMBURSEMENT

Members considered an appeal submitted by an employee against the Clerk's decision not to authorise reimbursement for items purchased without following the Council's purchasing and purchase order procedures.

The Clerk provided Members with a further update following enquiries undertaken into the circumstances surrounding the purchase.

Following consideration, it was **RESOLVED**:

1. That the Clerk write to the employee offering, exceptionally, to purchase the two items from them at a price of £53 per item, making a total purchase price of £106. It was confirmed that this was an offer to purchase the items and not reimbursement of expenditure incurred by the employee.
2. That the employee be advised that the Council's decision is exceptional and does not create a precedent for any future purchases made without prior authorisation or compliance with the Council's purchasing procedures.
3. That a management instruction be issued to the employee and their line manager regarding compliance with the Council's purchasing and purchase order procedures.
4. That the employee be advised that, should the Council's offer be accepted, the items will become the property of Ledbury Town Council upon payment of the agreed purchase price.
5. That the Council's purchasing and purchase order procedures be clarified in writing and communicated to all employees and managers as a reminder of the process to be followed.
6. That the employee be provided with a copy of the Financial Regulations and ask to sign to confirm that these have been read and understood.

The meeting ended at 6.55 pm.

SignedDated

DRAFT

RESOURCES COMMITTEE	24 SEPTEMBER 2026	AGENDA ITEM: 4(1)
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Report prepared by Angela Price – Town Clerk

DIGNITY AT WORK POLICY REVIEW

Purpose of Report

The purpose of this report is to explain the principal suggested amendments to the Dignity at Work Policy and to ask Members to approve the amended policy.

Members should note that the Council's policy wording has been amended. The externally sourced Civility & Respect guidance has not been changed.

Detailed Information

The attached policy has been reviewed to improve legal accuracy, clarify how concerns should be reported and handled, and give clearer protection to employees and others involved in a complaint. The amendments do not alter the Council's underlying commitment to a workplace in which everyone is treated with dignity and respect.

Summary of amendments

Equality wording: The equality statement now lists the protected characteristics in the Equality Act 2010 accurately. Political opinion and trade union membership are retained as separate grounds on which unfair treatment will not be tolerated.

Sexual harassment prevention: The policy records the employer's statutory duty, in force since 26 October 2024, to take reasonable steps to prevent sexual harassment. It also commits the Council to risk assessment, proportionate preventative measures, information, training and review.

Definitions and legal test: Bullying and harassment are defined separately. The revised harassment wording reflects the Equality Act test and explains that intention is not decisive; the recipient's perception, the circumstances and whether the effect was reasonable must all be considered.

Complaints made in good faith: A complaint will not lead to action merely because it is not upheld or cannot be proved. Action may be considered only where there is evidence of a knowingly false allegation, deliberate misleading of an investigation or other bad faith.

Reporting routes and conflicts: The policy now gives a consistent route for raising concerns with a line manager or the Town Clerk, with alternatives where the complaint concerns the Clerk, the Chair or anyone who has a conflict of interest.

Councillor conduct: The distinction between employment responsibilities and the Code of Conduct process is clarified. Possible Code breaches are referred to the Monitoring Officer, while the Council may still take reasonable steps as an employer to protect health, safety and wellbeing and manage working arrangements.

Third parties and contractors: The policy strengthens protection from conduct by Councillors, contractors, suppliers, service users and members of the public. Contractor action must be proportionate, justified and taken in accordance with the relevant contract rather than on suspicion alone.

Confidentiality and outcomes: The wording replaces promises of strict confidentiality with a need-to-know approach that allows a fair investigation and compliance with legal duties. Complainants will be told whether a complaint is upheld, partly upheld or not upheld, but confidential disciplinary details may be withheld.

Disciplinary process: The revised wording explains when a matter may proceed under the disciplinary procedure and permits an existing investigation to be used where practicable, provided the employee is informed and a fair process is maintained.

Points to note

The externally sourced guidance section remains unchanged. Before the revised policy is published, the tracked draft should receive a final proofread to correct minor typographical and spacing issues, ensure references to the Monitoring Officer are consistent and set a new review date.

Recommendation

That Members note the amendments summarised in the attached report and makes a recommendation to Full Council that the revised Dignity at Work Policy be approved, subject to any further suggestions from the Resources Committee.



LEDBURY TOWN COUNCIL

DIGNITY AT WORK POLICY

Date Adopted: March 2023
Next Review: March 2025 (Overdue)

DIGNITY AT WORK POLICY

Ledbury Town Council believes that civility and respect are important in the working environment, and expects s all councillors, officers, and the public to be polite and courteous when working for, and with the council.

Equality

~~In applying this policy, the Council will not unlawfully discriminate on putting this procedure into practice, no aspect of this procedure will discriminate on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, in accordance with the Equality Act 2010. The Council will also not tolerate unfair treatment on other grounds, including political opinion or trade union membership. 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.~~

Purpose

Ledbury Town Council is committed to creating a working environment where all council employees, Councillors, contractors, and others who come into contact with us in the course of our work, are treated with dignity, respect, and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying.

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

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment.
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Since 26 October 2024, employers have been under a statutory duty to take reasonable steps to prevent sexual harassment, rather than responding only after it occurs. A tribunal may increase compensation by up to 25% where an employer is found to have breached that duty.

Scope

This policy covers bullying and harassment of and by the Clerk and all employees engaged to work at Ledbury Town Council. Should agency staff, or contractors have a

complaint connected to their engagement with Ledbury Town Council this should be raised to their nominated contact, manager, or the ~~Chair~~Chair of the Council, in the first instance. Should the complaint be about the ~~chair~~Chair of the council the complaint should be raised to the resources committee.

~~Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.~~ Agency workers and contractors are expected to treat Council employees, Councillors, representatives and stakeholders with dignity and respect. Where concerns arise, the Council will consider the circumstances and take appropriate action in accordance with the relevant contractual arrangements. This may include requiring the removal of an individual from Council work or terminating the contract where justified.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to ~~(some behaviour, such as assault, stalking, threats or harassment falling within criminal legislation, may constitute a criminal offence and may be reported to police e.g. , employees, contractor, Councillor), h~~ However, the council will take appropriate action if any of its employees are bullied or harassed by employees, Councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect, and courtesy within the workplace and to not experience any form of discrimination. Ledbury Town Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g., physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

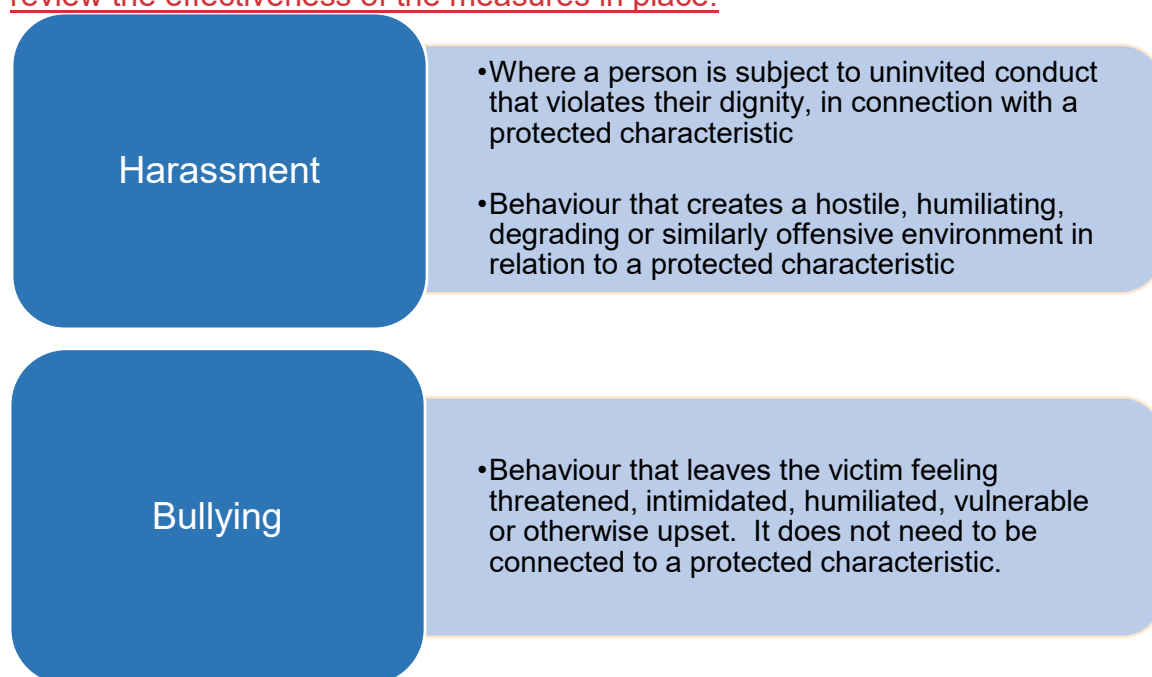
We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, ~~E~~e~~quality~~quality ~~O~~o~~pportunities~~pp~~Policy~~Policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

~~False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure. A complaint will not result in action against the person raising it merely because it is not upheld or because there is insufficient evidence to reach a finding. However, where there is evidence that a person knowingly made a false allegation, deliberately misled an investigation or otherwise acted in bad faith, the matter may be considered under the Council's disciplinary procedure or another appropriate procedure.~~

~~The Council recognises its legal duty to take reasonable steps to prevent sexual harassment in the course of employment. It will assess relevant risks, take proportionate preventative action,, provide appropriate information and training, and review the effectiveness of the measures in place.~~



What Type of Treatment amounts to Bullying or Harassment?

~~'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Bullying is unwanted behaviour from an individual or group that is offensive, intimidating, malicious or insulting, or an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to another person. Bullying may be a single serious incident or a pattern of behaviour.~~

~~Harassment under the Equality Act 2010 is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment and less favourable treatment arising from a person's response to sexual harassment are also prohibited.~~

Examples of bullying and harassment include (this list is not exhaustive):

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g., promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex, or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing, or jostling
- Rifling through, hiding, or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

This list is not exhaustive.

Bullying and harassment can occur through verbal and ~~face-to-face~~face-face interactions but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person finds acceptable may be unacceptable to another. Conduct may amount to harassment even where there was no intention to cause offence and even where the recipient has not previously asked for it to stop. In determining whether conduct had the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, the Council will consider the recipient's perception, the circumstances of the case and whether it was reasonable for the conduct to have that effect. Some conduct, such as unwanted sexual touching, is likely to be clearly unacceptable without any prior warning being required.

~~It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable, and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear; however, you should be aware~~

~~that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.~~

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

Concerns should normally be raised with the employee's line manager or the Town Clerk. Where the concern involves the line manager, it should be raised with the Town Clerk. Where the concern involves the Town Clerk, it should be raised with the Chair of the Council. Where the concern involves the Chair of the Council, or where the Chair has a conflict of interest, it should be raised with the Resources Committee or the Vice-Chair of the Council. Where any person who would normally receive or manage a concern is involved in the allegations, may be a material witness or otherwise has a conflict of interest, another appropriate and impartial person or panel will be appointed.

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, you should raise the issue in accordance with the reporting arrangements set out above in the first instance or, with the clerk. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor:

~~If you are being bullied or harassed by a councillor, please raise this with the clerk or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer. Where allegations concern the conduct of a Councillor, any allegation that may amount to a breach of the Code of Conduct will be referred to the Monitoring Office. The Council will not investigate or determine whether the Councillor has breached the Code.~~

This does not prevent the Council, acting as an employer, from considering what reasonable measures are necessary to protect an employee's health, safety and wellbeing, manage working arrangements or address any separate grievance concerning the Council's response and duty of care. These employment measures must not be presented as finding a sanction against the councillor.

~~The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.~~

What you should do if you witness an incident you believe to be harassment or bullying:

~~If you witness such behaviour, you should report the incident in confidence to the clerk. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so. The Council will take reasonable steps to protect employees from bullying, harassment and sexual harassment by third parties, including Councillors, contractors, suppliers, service users and members of the public. Measures may include setting standards of behaviour, issuing warnings, restricting contact or access, changing communication arrangements, reporting potentially criminal conduct and taking action under other relevant policies.~~

If you witness behaviour that you believe may amount to bullying or harassment, you should report the incident to the Town Clerk. If the concern involves the Town Clerk, it should be reported in accordance with the alternative reporting arrangements set out in this policy. The matter will be taken seriously. Information will be shared only with those who need it for the purpose of managing the concern, conducting a fair investigation, obtaining professional advice or complying with a legal obligation. Absolute confidentiality cannot be guaranteed, as the person responding to the allegations will normally need sufficient information to understand and answer them.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager, or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you are advised to raise the issue with the ~~chair~~Chair of the council. (If your concern relates to the ~~chair~~Chair, you are advised to raise it with the ~~chair~~Chair of the personnel/staffing committee). The ~~chair~~Chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The ~~chair~~Chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as an extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. In this case you **MUST** raise your complaint to the clerk or the ~~chair~~Chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk or the ~~chair~~Chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),

- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the ~~Councillors~~ Code of Conduct for Members, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to ~~understand~~ better understand your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal. If you are dissatisfied with the outcome and wish to appeal you **MUST** put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

Where an investigation indicates that there may be a disciplinary case to answer, the matter may proceed under the Council's disciplinary procedure. Where practicable, the investigation already undertaken may be used for that purpose. Provided the employee is informed and the requirements of a fair disciplinary process are met.

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome. The complainant will be informed whether the complaint has been upheld, partly upheld, or not upheld and, where appropriate, of any general steps taken to address the matter. The Council

may be unable to disclose confidential details or disciplinary action relating to another employee.

This is a non-contractual policy and procedure which will be reviewed from time to time.

GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however, should be considerate of equality, diversity, and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes:

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age** or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.

- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal

Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council will reassure the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

Scope

All council representatives are expected to uphold the values of the Dignity at Work Policy; however, this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk, another employee of the council, or a councillor depending on the situation. In accordance with good practice, Ledbury Town Council have a defined management structure, a copy of which is attached to this policy.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld,

both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues, and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential, and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations, it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how the deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

RESOURCES COMMITTEE	24 SEPTEMBER 2026	AGENDA ITEM: 4(2)
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Report prepared by Angela Price – Town Clerk

COUNCILLOR AND STAFF PROTOCOL REVIEW

Purpose of Report

The purpose of this report is to provide Councillors with a revised Councillor and Staff Protocol and explain the principal amendments.

Detailed Information

The protocol governs the working relationship between Councillors and employees and supports lawful, respectful and effective Council business. The review updates provisions that are outdated, unclear or no longer consistent with the Council's current governance and employment arrangements. The proposed amendments are shown as tracked changes in the accompanying document.

Principal amendments

Governance and decision making: Clarifies the Chair's role, the Town Clerk's responsibilities as Proper Officer, the preparation and issue of agendas and minutes, and the principle that individual Councillors cannot make decisions or give instructions on behalf of the Council without lawful delegated authority.

Standards and professional relationships: Updates the reference to the Seven Principles of Public Life and strengthens expectations concerning mutual respect, impartiality, professional boundaries and the declaration of relationships that may create an actual or perceived conflict of interest.

Councillor contact with employees: Replaces the absolute restriction on direct contact with more practical arrangements using the Town Clerk, relevant managers and shared Council contact details, while retaining clear line-management controls and protecting employees' personal contact information.

Employment matters and complaints: Confirms that Councillors must not manage employees or criticise their conduct or capability publicly. Concerns must be raised through the appropriate employment process, with an alternative route where a concern relates to the Town Clerk.

Concerns about Councillor conduct: Clarifies the distinction between the Council's responsibilities as an employer and the Monitoring Officer's role in considering possible breaches of the Councillor Code of Conduct.

Information and confidentiality: Clarifies how requests made on behalf of third parties should be handled and replaces obsolete references to the Standards Board for England with current Code of Conduct, regulatory and data-protection arrangements.

Communications and media: Updates references to the Council's Press and Media Policy, removes the obsolete reference to Mendip District Council, identifies Herefordshire Council as the relevant principal authority and adds provisions covering social media and the distinction between personal and official communications.

Drafting and consistency: Corrects duplicated numbering, outdated terminology and references to Chair, Mayor, employees and relevant Council policies.

Implications

The amendments are intended to improve governance, employment practice and clarity of responsibility. No direct financial implications arise from adopting the revised protocol, although Councillors and employees should be made aware of the updated requirements and the protocol should be included in induction arrangements.

Recommendation

That Members note the amendments set out in the tracked-changes document and recommend its approval to Full Council, subject to any further amendments highlighted by the Resources Committee.



LEDBURY TOWN COUNCIL

Councillor & Staff Protocol & Principles of Good Practice

Date Adopted: 6 February 2020

~~Review Date: 5 February 2022~~ Review Date: [insert date of review]

~~The following guidance has been put together to give all Councillors and staff guidance on accepted good practice on Council protocol and is in addition to information and guidance provided by other publications such as "The Good Councillors Guide" and NALC guidelines on Chairmanship. This Protocol sets out the standards of conduct and working arrangements expected in relationships between Councillors and employees. It should be read alongside the Council's Standing Orders, Financial Regulations, Code of Conduct, Dignity at Work Policy, Staff Handbook, Press and Media Policy and other relevant policies, together with current sector guidance.~~

Copies of this Protocol will be issued to all Councillors following election or co-option and to all staff on appointment. It will complement any statutory procedures or legislation enacted from time to time.

1. Section 1: Chairing the Council (role of the Mayor)

1.1 ~~The Chairman of Council, who may also be known as the Mayor, will be elected by the Council annually and will receive regular briefings by the Town Clerk on current issues. While the title confers no additional powers on the Mayor, as Chair they will have the following responsibilities:~~ The Chair of the Council, who may also be known as the Mayor, is elected annually by the Council and will receive appropriate briefings from the Town Clerk. The civic title of Mayor confers no additional decision-making powers. When chairing a meeting, the Chair has the following responsibilities:

- To uphold and promote the purposes of the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary;
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who do not hold committee chairs are able to hold the Mayor and committee chairs to account;
- To promote public involvement in the Council's activities;
- ~~To be the conscience of the Council; and~~ To promote respectful, lawful and effective decision-making; and
- ~~To attend such civic and ceremonial functions as the Council and they determine appropriate.~~ To attend civic and ceremonial functions as determined by the Council or appropriate to the office of Mayor.

2. Section 2: Council Decision Making

2.1 Council meetings will follow the Council's procedural rules set out in Standing Orders and Financial Regulations when considering any matter.

2.2 All decisions of the Council will be made in accordance with the following principles:

- Proportionality i.e. the action should be proportionate to the desired outcome;
- Due consultation and the taking of advice from Officers;
- Respect for human rights;
- Presumption in favour of openness;

- Clarity of aims and desired outcomes;
- Reflecting the balance of evidence, or legal or financial advice.

2.3 Preparation of Council agendas, minutes and reports and conduct of meetings.

~~2.3.1 **Agendas:** The Town Clerk is responsible under statute for preparing and signing the Agendas for all meetings of the Town Council, Committees and Sub-Committees, with the exception of Extraordinary meetings, which should be signed by the Mayor or Councillor who has called for the meeting. However, to ensure good practice, the Town Clerk will consult with the appropriate Chair during the course of preparation of Agendas. 2.3.1 Agendas: As Proper Officer, the Town Clerk is responsible for preparing, signing and issuing meeting summonses and agendas in accordance with legislation and the Council's Standing Orders. This includes an extraordinary meeting properly called by the Chair or by Councillors. The Town Clerk will normally consult the appropriate Chair when preparing an agenda, but must ensure that the agenda is lawful and that the Council's procedural requirements are met.~~

The Chair works in partnership with the Town Clerk to make sure that the Council is properly informed for making lawful decisions during meetings.

~~Matters for inclusion on an Agenda may be considered at the discretion of the appropriate Chair in agreement with the Town Clerk. Requests for items to be placed on an agenda will be considered by the Town Clerk in consultation with the appropriate Chair and in accordance with Standing Orders. Councillors may also submit motions in accordance with Standing Orders. No person may require an unlawful or procedurally improper item to be included.~~

~~2.3.1 **Staff at Meetings:** The Town Clerk or other appointed officer as delegated by the Town Clerk will be present at all meetings involving Councillors of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the meeting. 2.3.2 Officers at meetings: The Town Clerk, or an officer authorised by the Town Clerk, will normally attend formal meetings of the Council, committees and sub-committees to provide procedural and professional advice and to arrange for the preparation of the minutes.~~

~~2.3.2 **Minutes:** The Town Clerk or other appointed officer is responsible for the content of all Draft Minutes and for circulation of them to meet statutory requirements. 2.3.3 Minutes: The Town~~

Clerk, or an authorised officer, is responsible for preparing and issuing draft minutes. The minutes remain draft until approved by the relevant meeting and signed by the person presiding.

~~2.3.3 **Authority to Act:** No individual Councillor (including Committee Chair's and the Mayor) or informal groups of Councillors can make a decision on behalf of the Council. There is no such thing as 'Chairman's Action.'~~ 2.3.4 Authority to act: No individual Councillor, including the Chair of the Council, the Mayor or a committee Chair, and no informal group of Councillors may make a decision or give an instruction on behalf of the Council unless specific lawful authority has been delegated. There is no general power of "Chair's action".

3. **Section 3 - Protocol for Councillor/Staff relations Contents**

3.1 **Introduction and Principles**

3.1.1 The purpose of this Protocol is to guide Councillors and staff of Ledbury Town Council in their relations with one another and their dealings with other Councillors and staff from any tier of Government in such a way as to ensure the smooth running of the Council.

3.1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.

3.1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Councillors receive objective and impartial advice and that staff are protected from accusations of bias and any undue influence from Councillors.

~~3.1.4 It also seeks to reflect the principles underlying the Code of Conduct which apply to Councillors. The object of this code is to enhance and maintain the integrity (real and perceived) of local government and the Code, therefore, demanding very high standards of personal conduct.~~ 3.1.4 The Protocol reflects the principles underlying the Councillor Code of Conduct. The Code is intended to maintain public confidence in local government and requires high standards of personal conduct.

~~3.1.5 The Council has adopted the Codes of Conduct for Councillors, and this protocol should be read in conjunction with that Code and the relevant provisions of the Council's other adopted policies.~~

3.1.5 The Council has adopted a Code of Conduct for Councillors. This Protocol should be read alongside that Code and the Council's other relevant policies and procedures.

~~3.1.6 The Nolan Report on Standards of Conduct in Local Government suggests that 'No local authority can function properly without a good relationship between its Councillors and its staff. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.' The general principles, known as the Nolan Principles", which govern the conduct of Councillors (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require Councillors to respect the impartiality and integrity of an authority's statutory staff and other staff. Those principles are equally appropriate for staff in their dealings with Councillors.~~ 3.1.6 The Seven Principles of Public Life are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles underpin the conduct expected of Councillors. Councillors must respect the political impartiality and professional integrity of the Council's statutory officers and other employees. Employees are likewise expected to act professionally, impartially and with respect in their dealings with Councillors.

3.2 General Points

3.2.1 Both Councillors and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct.

3.2.2 **Roles of Councillors:** Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors are democratically elected and are accountable to the electorate for their actions. An important feature of each Councillor's role is to represent the interests of their constituents, irrespective of how they may have voted in an election. The expectation is that Councillors will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at Council meetings.

3.2.2.1

- ~~That when contacting the office with an enquiry, Councillors MUST contact the Clerk, or the Deputy Clerk in their absence, in the first instance. Councillors should normally direct enquiries to the Town Clerk, the relevant manager or a designated shared Council email address, in accordance with the Council's agreed communication arrangements.~~

- ~~If the Clerk or Deputy Clerk are unavailable, then the Councillor should either request that the Officer call them back or the Councillor should send an email with the details of their enquiry. Where the appropriate officer is unavailable, the Councillor should leave sufficient details for the enquiry to be allocated and answered.~~
- ~~That if the Clerk considers it appropriate the Councillor can be advised that they can speak directly to a member of staff. The Town Clerk or relevant manager may authorise direct contact with another employee where this will assist the efficient conduct of Council business.~~
- ~~That all phone calls to the office should be made via the landline, unless informed that the officer is out of the office but contactable on their mobile. Councillors should use the Council's published contact details and should not use an employee's personal telephone number unless the employee has expressly authorised this for a specific operational purpose.~~
- ~~That all emails should be directed to the Clerk or Deputy Clerk in their absence in the first instance. Emails should be directed to the Town Clerk, relevant manager or designated shared mailbox, having regard to the subject matter and the Council's agreed communication arrangements.~~
- ~~There are no exceptions to the above. Reasonable exceptions may be agreed by the Town Clerk for operational efficiency, emergencies or established project and committee working arrangements.~~
- ~~That Council emails are not to be used for debate purposes and should be kept strictly to direct Council business. Council email accounts must be used for Council business. Email must not be used to conduct collective debate or reach decisions outside a properly convened meeting. Councillors and employees should avoid unnecessary reply-all messages and must comply with the Council's data protection, information security and acceptable-use requirements.~~

~~3.2.3 **Roles of Staff:** The Town Clerk is responsible for day-to-day managerial and operational decisions within the Council and the provision of support to all Councillors.~~ **3.2.3 Role of employees: The Town Clerk is the Council's Proper Officer and Head of Paid Service and is responsible for day-to-day management and operational decisions, subject to Council policy and lawful delegations. Employees support the Council as a corporate body and must act professionally and impartially. Councillors must respect the management structure and must not direct or manage individual employees.**

3.2.4 The Town Council has a duty to implement decisions of the Council which are lawful, and which have been properly approved

in accordance with the requirements of the law recorded in the Minutes of the Council.

- 3.2.5 **Employer/Staff issues:** At the heart of this Protocol, is the importance of mutual respect. Councillor/staff relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and staff should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 3.2.6 Councillors should recognise in their dealings with staff that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved staff member. It is proper for a Councillor to make written or oral representations about a matter affecting a constituent who also happens to be a staff member but they should avoid taking a proactive part or represent or act as an advocate on behalf of the staff in any disciplinary or grievance procedures brought against the Council by the staff member.
- 3.2.7 Councillors should not place inappropriate pressure on staff and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust respect and courtesy in Councillor/ staff relations.
- 3.2.8 Councillors and staff should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- ~~3.2.9 A Councillor should not raise matters relating to the conduct or capability of a staff member in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. A staff member has no means of responding to such criticisms in public. If a Councillor feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of a staff member, and fails to resolve it through direct discussion with the staff member, they should raise the matter with the Town Clerk. The Town Clerk will then look into the facts and report back to the Councillor.~~ 3.2.9 A Councillor must not criticise or question an employee's conduct, capability or performance in public or seek to deal with an employment matter personally. Any concern about an employee should be raised privately with the Town Clerk and managed under the appropriate employment procedure. A concern about the Town Clerk should be raised with the Chair of the Council or the Chair

of the committee responsible for staffing, in accordance with the Council's adopted procedures.

3.2.10 Any action taken against a staff member in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures contained within the Staff Handbook.

3.2.11 A staff member should not raise with a Councillor matters relating to the conduct or capability of another staff member or to the internal management of a Section/Division/Department at or in a manner that is incompatible with the overall objectives of this Protocol. This does not, however, prevent a staff member raising a concern with a Councillor under the Council's whistleblowing procedure.

~~3.2.12 Where a staff member feels that they have not been properly treated with respect and courtesy by a Councillor, they should raise the matter with the Town Clerk, especially if they do not feel able to discuss it directly with the Councillor concerned. In these circumstances, the Town Clerk will take appropriate action either by approaching the individual Councillor or by referring the matter to the Monitoring Officer at the District Authority in the context of the Standards Committee considering the complaint.~~
3.2.12 Where an employee considers that a Councillor has failed to treat them with dignity, respect or courtesy, the matter should be raised with the Town Clerk or through the Council's Dignity at Work or grievance arrangements. A matter concerning the Town Clerk should be raised through the alternative route specified in the relevant policy. Where the alleged conduct may breach the Councillor Code of Conduct, a complaint may be made to the Monitoring Officer. The Council may also take proportionate steps as an employer to protect employees and manage working arrangements.

~~3.2.13 Guidance on personal relationships will be provided with the Code of Conduct within the Staff Handbook. Provided these are observed, more informal exchanges may be appropriate between Councillors and staff outside business meetings and formal events.~~
3.2.13 Councillors and employees must declare any close personal, family or financial relationship that could create an actual or perceived conflict of interest and must comply with the Code of Conduct and relevant employment policies. Informal contact outside formal meetings must not compromise professional boundaries, impartiality or confidentiality.

~~3.2.14 It is important that there should be a close working relationship between Councillors and Chair's with staff. However, such relationships should never be allowed to become so close, or appear to be so close as to bring into question the issue of~~

~~impartiality into doubt.~~ 3.2.14 Effective working relationships between Councillors, committee Chairs and employees are important. Those relationships must remain professional and must not give rise to actual or perceived favouritism, improper influence or loss of impartiality.

3.3 The Relationship: Staff Support to Councillors: General Points

- 3.3.1 The Town Clerk is responsible for day-to-day managerial and operational decisions within the authority and for the provision of support to all Councillors.
- 3.3.2 Certain statutory staff members - the Town Clerk and Responsible Financial Officer have specific roles. These are addressed in Standing Orders and Financial Regulations. Their roles need to be understood and respected by all Councillors.
- 3.3.3 **Independence of the Town Clerk:** The Town Clerk is not answerable to any individual Councillor, not even to the Chair (Mayor). The Town Clerk is an independent and objective servant of the Council as a single corporate body, recognising that the Council is responsible for all decisions and taking instructions from the Council in its capacity as a single corporate body.
- 3.3.4 The Town Clerk has a right and a duty to report to the Council, or any committee or sub-committee on any issue which they deem appropriate. They have a right and obligation to obtain sound advice as they deem appropriate in order to assist in their role in reporting to the Council.
- 3.3.5 As an independent and objective professional, the Town Clerk (or such delegated staff member) advises the Council on whether decisions are lawful and ways in which decisions can be implemented.
- 3.3.6 The Town Clerk, or another staff member or adviser as they determine, shall research topics of concern to the Council and provide unbiased information to enable the Council to make an informed decision.
- 3.3.7 The following key principles reflect the way in which the staff generally relate to Councillors:
- All staff are recruited by and accountable to the Town Clerk, where relevant through appointed Line Managers;

- support from staff is needed for all the authority's functions including Council, Committees and individual Councillors representing their communities etc.;
- day-to-day managerial and operational decisions remain the responsibility of the Town Clerk.

3.3.8 On occasion, a decision may be reached which authorises the Town Clerk to take action between meetings following consultation with a specific Councillor. It should be recognised that it is the Town Clerk, rather than the Councillor or Councillors, who takes the action and it is the Town Clerk who is legally accountable for it.

3.3.9 Councillors must not issue orders, instructions or directions to staff. Authorisation to carry out work on behalf of the Council can only be issued by the Town Clerk. The office of Mayor or as a Committee Chair does not confer this status.

3.3.10 Staff within a department are accountable to their Line Manager and whilst staff should always seek to assist a Councillor, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Line Manager.

3.3.11 Staff will do their best to give timely responses to Councillors' enquiries. However, staff should not have unreasonable requests placed on them. Their work priorities are set and managed by their Line Managers. Councillors should avoid disrupting staff members work by imposing their own priorities.

3.3.12 Much of the work of the Council is time sensitive and staff are usually working to tight deadlines. In order to help minimise disruption and to enable staff, particularly Managers to plan and prioritise their work programme, Councillors should always seek to make an appointment to see a staff member and give an outline of what issues are to be discussed. This will help staff to provide the most relevant advice as preparation and research where necessary can be carried out before the meeting.

~~3.3.13 Councillors are expected to give timely responses (within 48 hours) to enquiries from staff, particularly where the Council must itself comply with legal time limits for making decisions (for example in relation to planning applications).~~ 3.3.13 Councillors should respond to officer enquiries within the timeframe stated, particularly where the Council must meet a statutory or externally imposed deadline. If a Councillor cannot respond in time, they should notify the officer promptly. Officers should allow a reasonable response period having regard to urgency and Councillors' availability.

3.3.14 Staff should not discuss with a councillor personal matters concerning themselves or another individual staff member. This does not prevent an officer raising on a personal basis, and in their own time, a matter with their ward Councillor.

3.3.15 Councillors and staff should respect each other's free time. Council business should only be discussed when both Councillor and staff member are acting in their official capacity.

3.4 Staff member Advice to Party Groups and Individual Councillors

3.4.1 It must be recognised by all staff and Councillors that in discharging their duties and responsibilities, staff serve the Council as a whole and not any political group, combination of groups or any individual Councillor of the Council.

3.4.2 In the law relating to town or parish councils, there is no provision dealing with party political groups.

3.4.3 Staff must at all times maintain political neutrality. They are not servants of any particular party, group, or individual although where a party or group has a majority of seats on the Council, staff can take appropriate recognition of that fact in the day to day working of the Council as long as no decision or regulation of the Council is not complied with or breached. All staff must, in their dealings with political groups and individual Councillors, treat them in a fair and even-handed manner.

3.4.4 Certain points must, therefore, be clearly understood by all those representing party groups. In particular:

- Staff assistance must not extend beyond providing information and advice in relation to matters of Council business. Staff must not be involved in advising on matters of party business.
- Where staff provide information and advice to a party group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.

3.4.5 Whilst support for Councillors' Ward work is legitimate, care should be taken if staff are asked to accompany Councillors to ward surgeries. In such circumstances:

- The surgeries must be open to the general public, and
- staff should not be requested to accompany Councillors to surgeries held in the offices or premises of political parties.

- 3.4.6 Staff must never be asked to attend ward or constituency political party meetings.
- 3.4.7 It is acknowledged that some Council staff may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 3.4.8 In seeking to deal with constituents' queries or concerns, Councillors should respect the Council's procedures. Staff have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested timescale and may need to seek instructions from their Line Managers.

3.5 Use of Council Resources

- 3.5.1 A Councillor must, when using or authorising the use of the resources of the Council, act in accordance with the authority's requirements and ensure that such resources are not used for political purposes and that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Councillor has been elected or appointed.
- 3.5.2 The Council provides support services such as stationery, typing, printing, photocopying to Councillors to assist them in discharging their role as Councillors of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes.

3.6 Councillors' Access to Information and to Council Documents

- 3.6.1 There is a general presumption of open government within the Council. Councillors are free to approach any Council department to obtain such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as Councillors of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the appropriate Line Manager concerned.

~~3.6.2 Where information is requested on behalf of a third party, this will be treated as a request made under the Freedom of Information Act 2000, and the Council's normal procedures under that Act will be followed.~~ 3.6.2 A request made by a Councillor on behalf of a constituent or other third party will be handled according to its

nature. It may be dealt with as ordinary Council business or, where applicable, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or data protection legislation. The Council's normal procedures will apply.

- 3.6.3 As regards the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- 3.6.4 Councillors have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Councillor is a Councillor of the Committee or Sub Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting. The items in question are those which contain exempt information relating to staff, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 3.6.5 A Councillor has a prima facie right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Councillor properly to perform their duties as a Councillor of the Council. This principle is commonly referred to as the 'need to know' principle.
- 3.6.6 The exercise of this common law right depends therefore, upon an individual Councillor being able to demonstrate that they have the necessary 'need to know'. In this respect, a Councillor has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the particular Line Manager whose department holds the document in question, in consultation with the Town Clerk.
- 3.6.7 In some circumstances (e.g. a Committee Councillor wishing to inspect documents relating to the business of that Committee) a Councillor's 'need to know' will normally be presumed. In other circumstances (e.g. a Councillor wishing to inspect documents which contain personal information about third parties) the Councillor will normally be expected to justify the request in specific terms. In some circumstances duties of confidentiality to external bodies, or imposed by statute may override the common law right.

3.6.8 Any Council information provided to a Councillor must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as a Councillor of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

3.6.9 A Councillor must not:

- Disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and
- Prevent another person from gaining access to information to which that person is entitled by law'

~~3.6.10 Any such breach of confidence may result in censure by the Council or in a complaint to the Standards Board for England or, if sufficiently serious, in civil action against the Councillor and/or the Council for damages.~~ 3.6.10 A suspected breach of confidentiality may be addressed under the Councillor Code of Conduct and referred to the Monitoring Officer where appropriate. It may also have legal, regulatory or data protection consequences for the Councillor and/or the Council.

3.6.11 All requests from a Councillor to a staff member for sight of information, should, if it is appropriate to do so, be provided within an agreed timescale.

3.7 Correspondence (including email)

3.7.1 Correspondence between an individual Councillor and a staff member should not normally be copied (by the staff member) to any other Councillor. Where it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor. In other words, a system of 'silent copies' should not be employed.

3.7.2 Letters and emails must be sent on Ledbury Town Council headed paper or from a Council account. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear in the name of the Mayor as Chair of the Council. Letters and emails which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

3.8 Publicity and Press Releases

- 3.8.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the authority, explaining its objectives and policies to the electors and Council tax-payers. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, "to be welcomed".
- 3.8.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice.
- 3.8.3 The Government has issued a Code of [Recommended Practice on Local Authority Publicity](#). The purpose of the Code is to set out principles that should apply to all publicity at public expense and which traditionally have applied in both central and local government and concerns the content, style, distribution and such other matters as appropriate.
- 3.8.4 Staff and Councillors of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, staff and/or Councillors should initially seek advice from the Town Clerk. Particular care should be paid to any publicity used by the Council around the time of an election.
- ~~3.8.5 Press releases will be issued in accordance with the Media Communications Protocol as adopted by the Council. 3.8.5 Press releases and other public communications, including website and social media content, will be issued in accordance with the Council's current Press and Media Policy.~~
- ~~3.8.6 In essence relations with the media are the responsibility of the Town Clerk in consultation with the Mayor or Leader of the Council. The Town Clerk may authorise other staff to provide factual information or delegate day to day matters in accordance with the approved policy and protocol. 3.8.6 Official relations with the media are managed by the Town Clerk in consultation, where appropriate, with the Mayor, Chair of the Council or relevant committee Chair. The Town Clerk may authorise another employee to provide factual information or manage day-to-day communications in accordance with the adopted policy.~~
- 3.8.7 Councillors may comment on approved Council policies but may not comment on behalf of the Council on any non-policy matter. If any Councillor wishes to make comments to the press, it must be made clear that the comment is that of the individual Councillor and not necessarily the corporate view of the Town Council.

3.8.8 As outlined in the protocol there are two types of press release:

- Official Council Releases - An Official Council release is made on behalf of the Council as a whole; it will be written by an officer and issued by the Town Clerk. It is non-party political and will normally include a quote from the relevant Councillor(s). This is usually the Chair of the Council or Committee Chair.
- ~~Councillor Press Releases – Councillor press releases are personal and are written and issued by the Councillor responsible. This release may or may not be political and should not include the name of any officer, use the Council logo or the Council telephone number as a point of contact. It would be beneficial for copies of intended releases, especially those of a factual nature, to be provided to the Town Clerk. Councillors seeking advice can either contact the Town Clerk or the Monitoring Officer at Mendip District Council. Councillor statements - Personal statements or releases are written and issued by the individual Councillor. They must make clear that they do not represent the corporate view of the Council, must not use the Council logo or an employee's name or contact details without authority, and must comply with the Code of Conduct and confidentiality obligations. Councillors may seek factual or procedural advice from the Town Clerk and Code of Conduct advice from the Monitoring Officer at Herefordshire Council.~~

3.8.9 The Town Clerk will assist Councillors in their relations with the media. Any staff member assisting a Councillor with media relations must act at all times in the interests of the whole Council and in a politically impartial manner.

3.8.10 Other than factual statements, Councillors should not seek assistance from a staff member with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

3.8.11 Social media: Councillors and employees must distinguish clearly between personal and official communications. They must not disclose confidential information, present a personal view as the Council's corporate position, use Council resources for party-political purposes or publish material that breaches the Code of Conduct, employment obligations or the Council's policies.

3.9 Involvement of Local Councillors

3.9.1 Whenever a public meeting is organised by the Council to consider a local issue, the Councillors representing the Electoral Division or Divisions (Wards) affected should as a matter of course, be invited to attend the meeting.

3.9.2 Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be notified at the outset of the exercise.

3.9.3 More generally, staff should consider whether other policy or briefing papers, or other topics being discussed with Committee, should be discussed with relevant Ward Councillors.

3.10 Conclusion

3.10.1 Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Councillors and staff.

3.11 Arbitration

3.11.1 Where necessary, the Town Clerk will arbitrate on the interpretation of this protocol.