



# **MALVERN TOWN COUNCIL**

## **STAFFING COMMITTEE MEETING**

### **REPORTS**

**For meeting on Wednesday 15 April 2026 at 6.00 pm  
In the Park View Meeting Room, Community Hub, Victoria Park Road,  
Malvern Link**

# MALVERN TOWN COUNCIL

Town Clerk  
Community Hub  
Victoria Park Road  
Malvern Link  
WR14 2JY



9 April 2026

townclerk@malvern-tc.org.uk  
01684 566667

## MEETING OPEN TO MEMBERS OF THE PUBLIC

### To Members of the Staffing Committee (Quorum 4):

Cllrs Josie Leibrandt (Chair), Anne Cherry, Clive Fletcher, Emma Green (Vice-Chair), Clive Hooper, David Mead and Karen Newbigging

### All other Members of the Town Council for information only

You are hereby invited to attend a meeting of the Staffing Committee to be held in the Park View Meeting Room, Community Hub, Victoria Park Road, Malvern Link, on Wednesday 15 April 2026, commencing at 6.00pm for the transaction of the business shown on the Agenda below.

A handwritten signature in black ink, appearing to read 'L. J. Blake'.

**Linda Blake**  
**Town Clerk**

No.	Agenda Item
1.	<b>Apologies for Absence</b> To receive and note apologies for absence
2.	<b>Declarations of Interest</b> To receive declarations of disclosable pecuniary interests and other disclosable interests
3.	<b>Minutes of Previous Meetings</b> To receive and confirm as a correct record the minutes of the previous Staffing Committee meetings and the minutes to be signed by the Chair <ul style="list-style-type: none"><li>➤ Wednesday 27 November 2025 (previously circulated)</li><li>➤ Wednesday 21 January 2026</li></ul>
<b>Public Participation</b> <i>The Meeting will be adjourned for public participation when the Chair will invite members of the public to present their questions, statements or petitions submitted under the Council's Public Participation Procedure.</i>	
4.	<b>Staffing Overview Report</b> <ul style="list-style-type: none"><li>➤ Report SC01/25 to follow</li></ul>
5.	<b>Benchmarking</b> <ul style="list-style-type: none"><li>➤ Verbal update</li></ul>

6.	<b>Employment Related Policies - Review of Employee Dress Code Policy</b> ➤ Report SC02/25 to follow
7.	<b>Staff and Councillor Conduct - Review of Dignity at Work Policy</b> ➤ Report SC03/25 to follow
8.	<b>Staff Liaison Group</b> ➤ Committee discussion
9.	<b>Review of Appraisal Process</b> ➤ Verbal update on current process and input on ideas going forward.
10.	<b>Progress and Priorities for Next Two Meetings</b> ➤ Committee Discussion
11.	<b>Date and Time of Next Meeting</b> ➤ Wednesday 29 July 2026 at 6pm

**UNADOPTED**

**MINUTES OF A MEETING OF  
THE STAFFING COMMITTEE  
MALVERN TOWN COUNCIL**

**held in The Vestry of Malvern Link URC Church, Malvern Link**

**Thursday 27 November 2025 at 2.00pm**

**Councillors**

**Present**

J Leibrandt (Chair)  
A Cherry  
C Hooper  
L Lowton (substitute)  
D Mead  
K Newbigging

**Absent**

C Fletcher (apologies)  
E Green (apologies)

**Also in attendance**

L Blake - Town Clerk  
C Porter – Operations Manager

**11. APOLOGIES FOR ABSENCE**

Apologies for absence were **NOTED** from Councillors Clive Fletcher and Emma Green. Cllr Green had substituted Cllr Lowton.

**12. DECLARATIONS OF INTEREST**

None.

**13. MINUTES OF PREVIOUS MEETINGS**

Wednesday 13 August 2025

It was **RESOLVED** that the minutes of the meeting held on Wednesday 13 August 2025 be approved and adopted as a correct record of the proceedings.

Wednesday 22 October 2025

Committee members discussed points from the meeting held on 22 October as follows:

Councillor Hooper stated that he had given some reasoning for the allowance of substitutes under Minute 1 of these minutes and he would like this to be included after the recommendation.

It was **AGREED** that the Chair would listen to the audio recording of the minutes to clarify this point.

Councillor Hooper also draw the committee's attention to Minute 5 which had bullet points giving feedback from meetings with staff. The following paragraphs had then been included as follows

## UNADOPTED

*The Town Clerk and Operations Manager suggested that if the Committee could have a more positive focus, such as looking at benchmarking, training and rewards, then this may help the staff to be less fearful of what the purpose of this committee is.*

*Staffing Committee members agreed with this.*

Cllr Hooper referred to the last sentence, stating that he wasn't sure that this was the case and felt that it should be deleted.

After discussion, the Town Clerk confirmed that there was no vote taken on this particular point, just a general feeling of agreement.

It was **AGREED** to remove the sentence in Minute 5 stating "Staffing Committee members agreed with this"

Also on Minute 5, Councillor Hooper, after having listened to the recording of the discussion relating to Minute 5, read out a statement that he had sent by email to the Town Clerk a few hours earlier, and that he would like included in the minutes, to reflect what he had said.

*"Cllr Hooper noted that at the first meeting of the Staffing Committee it was minuted that the main focus of the committee should be staff development and recognition. The Full Council had subsequently confirmed that there should be separate meetings to take place with officers and operational staff and specified the agenda, which was to discuss staff roles and their training and development needs. He therefore questioned why discussions at these meetings took place about the skills and training of councillors rather than focusing on seeking to explain the role of the committee and hear about staff roles and ideas from staff about what training they wanted. He went on to note that if staff were "fearful of their jobs and fearful of people looking at personal documents and would like to know what the staffing committee are trying to achieve", he considered that reference should have been made to the reassurances given at the committee's first meeting."*

It was **AGREED** that the Chair would listen to the audio recording of the minutes to clarify this point.

An aside discussion took place on what aspects of the Staffing Committee's business should in private session and the legal justification for this. It was **AGREED** that further advice should be sought and brought back to a future meeting.

A point was raised under Minute 6 that a sentence needed to be added to say that it had been agreed that the Town Clerk and Deputy Town Clerk would report back to committee on what HR and Staff Management Training they had undertaken in the recent past and that this needed to be added.

Given there were several matters that required the chair to listen to the audio recording for clarification, it was **NOTED** that the minutes of the meeting of 22 October 2025 could not be approved in full at this meeting.

It was therefore **AGREED** to defer final approval of the minutes of the previous meeting until the next meeting.

### **PUBLIC PARTICIPATION**

None.

## UNADOPTED

### 14. STAFFING COMMITTEE STATEMENT

Three draft statements had been circulated prior to the meeting and after discussion, it was **AGREED** to circulate version one to all staff with the following two amendments.

The first statement that reads “We wanted to share a quick overview of who / how the Staffing Committee fits into supporting you at work” should be amended to “We wanted to share a quick overview of the Staffing Committee and how it fits into supporting you at work.”

There should also be a sentence at the end which reads “Please contact your Line Manager if you would like more detailed information on the role of the Staffing Committee”

### 15. REVIEW OF TRAINING AND DEVELOPMENT - STAFF

A document was circulated detailing a list of all staff training that had been undertaken in the last twelve months and any training planned for the rest of the 2025/26 financial year.

The Town Clerk and Operations Manager outlined the training programme in place and the principles behind it.

It was felt that the training budget should be increased and therefore **AGREED** that Officers would include a training of development budget of £4,000 within the 2026/27 proposed budget to be presented at the next Policy and Resources Committee.

### 16. REVIEW OF TRAINING AND DEVELOPMENT – STAFFING COMMITTEE

The Town Clerk had contacted Worcestershire CALC regarding staffing training for all councillors and additional training for the Staffing Committee. A response is awaited.

The Chair noted that it would be useful to have some information on what aspects of the Staffing Committee’s work should be conducted in private as a part of this training. It was further **NOTED** that the Chief Officer of CALC could be asked to provide some input into what discussions the press and public should be excluded from.

### 17. REVIEW OF STAFF REWARDS

A questionnaire on staff rewards had been circulated to all full time members of staff, and a summary of the responses was circulated at the meeting.

A lengthy discussion took place on possible staff rewards and their implementation.

Officers were asked to discuss the possibility of a discount being given on parking permits for Malvern Hills Trust Car Parks and it was noted that there was a meeting scheduled with the CEO for The Trust at which this could be raised.

It was **RECOMMENDED** that all staff should be given a day off for their birthday or the closest day to it should this fall on a weekend.

It was **RESOLVED** to extend the meeting by 15 minutes to finish at 4:15pm.

**UNADOPTED**

**18. FORMAT OF STAFFING OVERVIEW REPORT**

It was **AGREED** to defer this item to the next meeting.

**19. DATE AND TIME OF NEXT MEETING**

It was **NOTED** that the next meeting of the Staffing Committee would be held on Wednesday 21 January 2026 at 6pm

The meeting finished at 4:15pm.

.....(Chair)

DRAFT

## UNADOPTED

### MINUTES OF A MEETING OF THE STAFFING COMMITTEE MALVERN TOWN COUNCIL

held in the Community Hub Meeting Room, Victoria Park

Wednesday 21 January 2026 at 6pm

#### Councillors

##### Present

J Leibrandt (Chair)  
A Cherry  
C Hooper  
R McLaverty-Head (substitute)  
K Newbigging  
W Whittaker (substitute)

##### Absent

E Green (apologies)  
D Mead (apologies)

##### Also in attendance

Cllr Marilyn Birks – Mayor  
Cllr Melanie Jones  
L Blake - Town Clerk  
C Porter – Operations Manager

#### 20. APOLOGIES FOR ABSENCE

Apologies for absence were **NOTED** from Councillors Emma Green and David Mead. Cllr Green had substituted Cllr Whittaker and Cllr Mead had substituted Cllr McLaverty-Head

#### 21. DECLARATIONS OF INTEREST

None.

#### 22. MINUTES OF PREVIOUS MEETINGS

A query was raised about the minutes from the previous meeting held on 27 November 2025. The clerk confirmed that resourcing issues and pressures had meant that she had not yet been able to listen back to the entire audio recording to complete the minutes. It was noted that the appointment of an independent minute taker due to be discussed as a later agenda item, would help to solve this issue in the future.

##### Wednesday 22 October 2025

The Chair confirmed that following agreement at the last meeting, she had now listened back to the audio recording from the staffing committee meeting held on 22 October.

1) Under minute 5, Councillor Hooper had circulated a statement that he would like included before the paragraph with recommendation about the short statement from the staffing committee.

It was **AGREED** that the following paragraph should be included in the draft minutes  
*Cllr Hooper noted that the Council had confirmed that there should be separate meetings to take place with officers and operational staff and had specified the agenda which was to discuss staff roles and their training and development needs. He therefore stressed that it was important that there should be feedback from those*

## UNADOPTED

*meetings as to what staff considered their roles to be and what they would want to have from any training which might be provided.*

2) Also under minute 5, the following paragraphs had then been included as follows  
*The Town Clerk and Operations Manager suggested that if the Committee could have a more positive focus, such as looking at benchmarking, training and rewards, then this may help the staff to be less fearful of what the purpose of this committee is.*

*Staffing Committee members agreed with this.*

It was **AGREED** to remove the sentence in Minute 5 stating “Staffing Committee members agreed with this”

3) Under Minute 6 it was **AGREED** that a sentence would to be added as follows  
*It was **AGREED** that the Town Clerk and Operations Manager would provide a list of the HR training that they had received in their roles.*

It was **RESOLVED** that subject to the amendments agreed above, that the minutes of the meeting held on Wednesday 22 October 2025 be approved and adopted as a correct record of the proceedings.

### **PUBLIC PARTICIPATION**

None.

## 23. **BENCHMARKING**

The Town Clerk confirmed that work had started to contact other Town Councils and to gather data on pay scales for Grounds Maintenance Operatives.

Malvern Town Council’s Grounds Maintenance Operatives pay scales are 2 – 4. From the work that has done to date, this appears to be a little low and the Town Clerk informed committee of the findings from other Town Councils contacted to date. It was hoped that a full report would be sent to the next meeting of this committee to formalise the recommendations.

Cllr Newbigging raised the issue of the scope of the benchmarking exercise and whether other items such as leave, rewards and training and development would be included.

It was suggested that the Town Clerk should contact NALC to get a benchmarking tool, as this would take out any subjective data and consider the range of duties and responsibilities undertaken by staff.

It was **RECOMMENDED** that the scope of the benchmarking exercise should include three factors: Salary, Terms and Conditions and Training and Development. Information on staffing structure would also be gathered to help to contextualise the data.

Regarding timescales, it was **AGREED** that the aim would be to complete the operational benchmarking using the benchmarking tool by April and then the administration staff would follow. It was **NOTED** that any pay awards would be backdated so that both operational and administrative staff would receive any increases at the same time.

Cllr Whittaker and Cllr Cherry offered their help to officers should this be required.

## UNADOPTED

### 24. IMPLEMENTATION OF AGREED ACTION POINTS FROM PREVIOUS MEETINGS

Council had agreed that Human Resources Training should be provided for all councillors and committee asked for an update on this. The Town Clerk explained that Worcestershire CALC had changed their training provider to Work Nest and the aim is to talk to them about providing two training dates, one daytime and one in the evening.

It was **AGREED** to defer discussion on any further action points and that a document tabulating agreed action points and progress against these should be produced by the Chair and Deputy Chair for circulation ahead of the next meeting and ideally by the end of February.

### 25. REVIEW OF PROGRESS AGAINST TERMS OF REFERENCE

<u>Responsibility</u>		<u>Progress</u>
2.1	To review and develop employment related policies.	Ongoing
2.2	To consider and note, as necessary, the provisions of The National Joint Council for Local Government Services which dictates the Council's pay and conditions of service.	Staffing Committee noted the NJC agreement on rates of pay for 2025/26 at its meeting on 13 August 2025.
2.3	To review and develop the annual appraisal process, the focus of which is staff development and recognition.	A new appraisal policy will need to be created. Item for brainstorming of ideas to be placed on the agenda for April 2026.
2.4	To appoint a panel of two members from the Staffing Committee and one qualified person from an outside body, as agreed by the Staffing Committee to carry out the appraisal of the Town Clerk.	See recommendation below.
2.5	To review and develop the Town Council's training and development programme, with an ongoing plan of how to meet the identified needs of staff.	Staff Training and Development was reviewed at the meeting held on 27 November and an increased amount for staff training has been included in the 2026/27 budget.  There will be an ongoing review of training and development needs.
2.6	To review and develop the organisational structure and necessary staffing levels as required, for example, apprenticeships.	It is being suggested that the staffing structure is looked at as a part of the benchmarking process.
2.7	To oversee any job evaluations or benchmarking as required.	In progress.

## UNADOPTED

2.8	To review job descriptions, person specifications and contracts of employment as required.	Job descriptions have been circulated, and this is an item for a future agenda.
2.9	To form a panel to oversee the recruitment of the Town Clerk and / or RFO when required.	This is an item for a future agenda and / or when needed.
2.10	To assist the Town Clerk in the recruitment of the Deputy Town Clerk and / or Operations Manager when required.	This is an item for a future agenda and / or when needed.
2.11	The Staffing Committee shall annually by 30 November, agree a staffing budget for the forthcoming financial year which will be presented for consideration by the Policy and Resources Committee and included in the final budget presented to Full Council.	A budget recommendation was made by Staffing Committee at their meeting held on 22 October 2025.
2.12	To consider and review the policies that relate to staff and councillor conduct.	This is an item for a future agenda.
2.13	To consider and review the Town Council's grievance, disciplinary and whistleblowing policies.	This is an item for a future agenda.
2.14	In accordance with Council policies and procedures, to appoint councillors to sit on any investigating panel and / or appeals panel required to deal with disciplinary and grievance matters raised.	This is an item for a future agenda and / or when needed.
2.15	To consider matters relating to staff health and wellbeing.	Staff rewards have been reviewed and a day's leave granted on staff birthdays.  Cllr Jones felt more was needed in this item and offered to look into this and report back to the Chair.
2.16	To receive a staffing overview report at each meeting.	This is being discussed at Agenda Item 8.
2.17	To set up a staff liaison group to allow communication and consultation with staff representatives.	This is an item for a future agenda.

It was **RECOMMENDED** under 2.4. that the Staff Appraisal for the Town Clerk should be carried out by the Chair and Vice-Chair of Staffing Committee, along with the Executive Officer of Worcestershire CALC (with due regard to equality considerations)

Cllr Whittaker left the meeting at 7:27pm

Cllr Newbigging left the meeting at 7:44pm

**UNADOPTED**

Councillors discussed the following points as part of this agenda item

- The Terms of Reference for Staffing Committee is a spine on which to base the work of the committee, and it is not a race to achieve all of them.
- Staff are an important and valued resource, and each element of work must be given appropriate time.
- It is important for work to take place between meetings, and it was suggested that the chair and vice-chair should lead on this.

**26. FUNDING AND APPOINTMENT OF AN INDEPENDENT MINUTE TAKER FOR STAFFING COMMITTEE**

It was **NOTED** that whilst an AI tool could be used to help transcribe audio-recordings, it would be difficult to use such a tool to create minutes in the acceptable Council format.

It was **RECOMMENDED** that an independent minute taker should be appointed for the Staffing Committee.

**27. FORMAT OF STAFFING OVERVIEW REPORT**

Committee members felt that approximately five Key Performance Indicators would be the right number for a staffing overview report and that these could include annual leave and sick days.

It was **AGREED** that the Chair, Vice Chair and Town Clerk would meet to discuss this matter and to formulate some recommendations ahead of the next meeting.

**28. DATE AND TIME OF NEXT MEETING**

It was **NOTED** that the next meeting of the Staffing Committee would be held on Wednesday 15 April 2026 at 6pm

The meeting finished at 7:55pm.

.....(Chair)

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL  
to be held on Wednesday 15 April 2026 at 6.00pm**

**in the Park View Meeting Room, Community Hub, Victoria Park Road, Malvern Link**

**STAFFING OVERVIEW REPORT**

**1. Purpose of Report**

1.1. For decision.

**2. Recommendation**

2.1. Committee are asked to consider the draft Staffing Overview Report as attached at Appendix A and to agree the final version to be sent to Full Council for approval.

**3. Background**

3.1. Research of Staffing Committees in place at other Town Councils has shown that a quarterly Staffing Overview Report is commonly used as a way of monitoring key performance indicators.

3.2. There are eight items for consideration and possible refinement.

3.3. Committee are asked to note that some of the indicators may be better split as a figure for administration and a figure for Operations, whereas other items are amalgamated.

3.4. Consideration needs also to be given to how key tasks are identified to ensure that there is a SMART and that there is no conflict between competing demands of Committees/Council/Task and Finish Groups.

**4. Financial Implications**

4.1 None pertaining to this report.

**5. Legal Implications**

5.1 None pertaining to this report.

End  
Linda Blake  
Town Clerk



## **6. Training**

This would be a summary of training record maintained for all staff by Town Clerk and Operations Manager

Highlight training achievements by:

- Type of training
- Name of course
- Whether it is mandatory, discretionary or staff development
- How many staff have undertaken training by type
- If anyone has not undertaken mandatory training and reasons

## **7. Key Tasks completion rate**

A performance indicator to ensure key tasks are undertaken and completed in a timely manner, to help identify any issues that may arise with regards to staff resources or unrealistic targets and expectations.

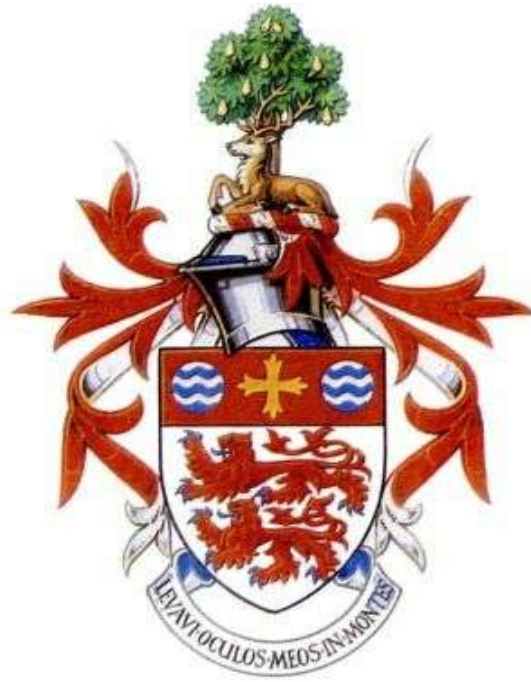
Suggested content, identify key quarterly tasks and score as

**1 = completion, 0 = non completion**

Each task could be supported by brief narrative to qualify score.

## **8. Staff Feedback**

Any comments from the staff, with regard to staffing issues, work practices, pressure or pinch points, general comments (neutral, positive or negative) would be co-ordinated by Town Clerk and Operations Manager and presented in the Staff Overview Report



**MALVERN TOWN COUNCIL**

# **EMPLOYEES' APPEARANCE AND DRESS CODE POLICY**

## **MALVERN TOWN COUNCIL**

### **APPEARANCE AND DRESS CODE POLICY**

#### **1. Introduction**

- 1.1. The way employees present themselves at work directly affects how internal and external stakeholders and the public regard Malvern Town Council (hereafter known as 'the Council') and the Council's image. Employees should consider the impact that their appearance has on others, and an employee's appearance should emphasise respect for those they work with and the service they are providing.
- 1.2. An employer's dress code must not be discriminatory in respect of the protected characteristics in the Equality Act 2010 for age, disability, gender reassignment, religion or belief, sex, or sexual orientation.

#### **2. Aims of this policy**

- 2.1. To ensure that employees are safe and dressed appropriately.
- 2.2. To avoid unlawful discrimination – this policy applies to everyone equally and avoids gender specific prescriptive requirements.
- 2.3. To make reasonable adjustments for disabled people – it may be appropriate not to apply dress code requirements where their impact is more onerous on a disabled employee.
- 2.4. To clarify where certain standards are required for health and safety reasons.

#### **3. Terms**

- 3.1. At all times employees should dress appropriately and look professional relating to the work they must do.
- 3.2. At all times employees should be clean, tidy and presentable, and maintain a good standard of personal hygiene.
- 3.3. All employees should refrain from dressing in such a way which could intimidate or cause offence or embarrassment to others.
- 3.4. All employees should have consideration for health and safety factors, and personal protective clothing and equipment should be worn and maintained in a manner acceptable to the Council.
- 3.5. All employees must be mindful of the effect their appearance has on others; clothes, hair, make-up, jewellery, piercing and tattoos should not cause offence, embarrassment, or

intimidation, and should be in keeping with a professional appearance and health and safety requirements.

3.6. Regardless of work location, it is unacceptable to wear the following:

- Any item of clothing that may draw untoward attention or cause offence. For example, it is inappropriate to wear cut-off shorts, crop tops, see-through material or clothing that exposes areas of the body normally covered at work: or contain inappropriate or offensive words or pictures.
- Any item of clothing that could present a health and safety risk
- Dirty, wrinkled, ripped or frayed clothing.

3.7. When considering jewellery, piercings and tattoos that can be seen by colleagues or members of the public, consideration must be given to ensuring that an employee is in keeping with a professional appearance and with health, safety and security requirements.

3.8. The Council is agreeable for employees to follow the traditions of their ethnic/cultural/religious background where this is safe and appropriate for the job role.

#### Office-based employees

3.9. In addition to the clauses above, office-based employees should wear a good-fitting, supportive shoe with closed toe. Backless footwear - such as flip flops and sliders - is not allowed for safety reasons.

#### Operational employees

3.10. Operational employees are provided with uniform and appropriate, steel toe capped protective footwear, and have a responsibility to wear these items during working hours and to keep the uniform clean and in a good state of repair.

#### Employees working at events

3.11. All employees who work at the Council's events should wear events clothing as instructed and provided.

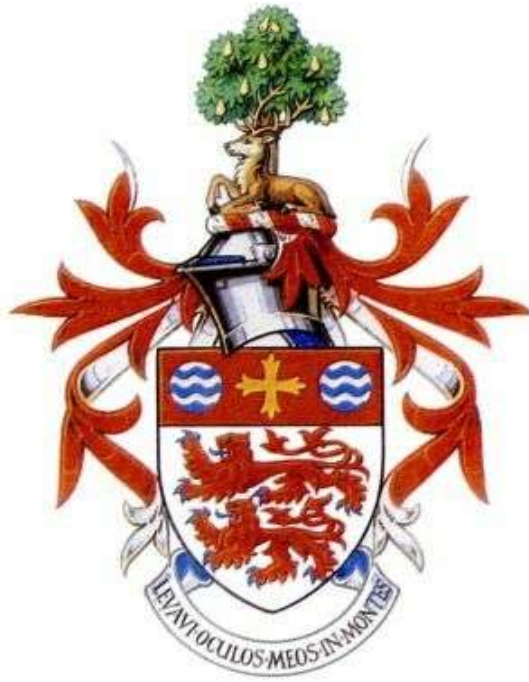
## **4. Provisions**

4.1. Managers will determine the appropriateness of their employees' appearance in relation to local service requirements. Employees should seek the advice of their manager if they are unsure about the appropriateness of their appearance or dress.

- 4.2. There may be times when employees wish to support different charities and they would like to ask for exceptions to the normal dress code rules, for instance 'Jeans for Genes Day', 'Christmas Jumper Day' etc. On these occasions, employees should ask their manager if it would be appropriate to take part.
- 4.3. Managers may take the decision to amend or relax certain provisions in the policy should the need arise from extremes in climate or other unforeseen circumstances which are judged relevant.

## **5. Review and action**

- 5.1. The Council recognises that it is important to review this policy regularly to ensure that it reflects up to date equality legislation and best practice.
- 5.2. A review of the Appearance and Dress Code Policy will be carried out at least once every council term as a minimum and any necessary actions taken.



## MALVERN TOWN COUNCIL

# DIGNITY AT WORK POLICY

# MALVERN TOWN COUNCIL

## DIGNITY AT WORK POLICY

### 1. Introduction

- 1.1. This policy replaces Malvern Town Council's Anti-harassment and Bullying Policy (Employees) as adopted in March 2022.

### 2. Definition

- 2.1. Malvern Town Council (hereafter known as 'the Council') believes that civility and respect are important in the working environment, and expects all councillors, officers and the public to be polite and courteous when working for, and with the Council.

### 3. Purpose

- 3.1. The Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with the Council in the course of its work, are treated with dignity, respect and courtesy. The Council aims to create a workplace where there is zero tolerance for harassment and bullying.
- 3.2. The Council recognises 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 the policy is on resolution and mediation where appropriate, rather than an adversarial process.
- 3.3. This document:
- explains how the Council will respond to complaints of bullying or harassment;
  - ensures that the Council responds sensitively and promptly; and,
  - supports the Council's employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

### 4. Scope

- 4.1. This policy covers bullying and harassment of and by Town Council employees. Should agency employees, or contractors have a complaint connected to their engagement with the Council, this should be raised with the Town Clerk in the first instance. Should the complaint be about the Town Clerk, the complaint should be raised with the Chair of Council.
- 4.2. Agency employees, or contractors are equally expected to treat Council employees, 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.

- 4.3. Complaints about other employment matters will be managed under the Council's grievance policy.
- 4.4. It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the Council will take appropriate action if any of its employees are bullied or harassed by fellow employees, councillors, members of the public, suppliers or contractors.

## **5. The position on bullying and harassment**

- 5.1. All employees and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. The Council will not tolerate bullying or harassment in the 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 the Council tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. All employees and councillors should also be aware that, if they 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.
- 5.2. All representatives of the Council are expected to treat each other with respect and uphold the values of the code of conduct, equality opportunities policy, and all other policies and procedures set by the Council.
- 5.3. The Council expects 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.
- 5.4. Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.
- 5.5. False accusations of harassment or bullying can have a serious effect on innocent individuals. Employees and others have a responsibility not to make false allegations. While it is assumed 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.

## Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

## Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

### 6. What Type of Treatment amounts to Bullying or Harassment?

- 6.1. '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.
- 6.2. Examples of bullying and harassment include:
  - 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

6.3. Bullying and harassment can occur through verbal and face to 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.

6.4. 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.

6.5. 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.

6.6. 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.**

## **7. Victimisation**

- 7.1. 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.
- 7.2. 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.
- 7.3. 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.

## **8. Reporting Concerns**

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):

- 8.1. If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Town Clerk in the first instance. Any such report will be taken seriously, and a decision will be made on 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:

- 8.2. If you are being bullied or harassed by a councillor, please raise this with the Town Clerk 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. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.
- 8.3. 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 harassment or bullying:

- 8.4. If you witness such behaviour, you should report the incident in confidence to the Town Clerk. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of employees:

- 8.5. 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

- 8.6. 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 Town Clerk to put this on your behalf or to be with you when confronting the perpetrator(s). Should the behaviour relate to the Town Clerk, you may wish to approach the Chair of the Council or the Chair of the Policy and Resources Committee.

- 8.7. 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 should raise the issue with the Town Clerk more formally. (If your concern relates to the Town Clerk, you should raise it with the Chair of the Council, or Chair of the Policy and Resources Committee). The Town Clerk (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 employees
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

- 8.8. 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.

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

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

#### Formal resolution - raising a formal complaint

8.11. If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the Town Clerk. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

8.12. The Town Clerk<sup>1</sup> 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.

8.13. 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, the Council will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, the Council will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

8.14. Where your complaint relates to potential breaches of the Councillors Code of Conduct, 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.

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

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<sup>1</sup> If the alleged behaviour relates to the Town Clerk then the complaint can be referred to either the Chair of the Council or the Chair of the Policy and Resources Committee.

- 8.16. 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 your complaint (see the grievance policy for further information, and details of your right to be accompanied).
- 8.17. 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.
- 8.18. 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. You should 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.

## **9. The use of the Disciplinary Procedure**

- 9.1. If at any stage from the point at which a complaint is raised, the Council believes there is a case to answer and a disciplinary offence might have been committed, it will instigate the disciplinary procedure. The Council will keep you informed of the outcome.

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

## **GUIDANCE FOR USING THE DIGNITY AT WORK POLICY**

**This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.**

**This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.**

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. Council's that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

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 should remind 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 employees 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/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

## **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 employees 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 an employee, 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/chief officer/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 to 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.