

Swanley Town Council

Civic Centre, St Marys Road, Swanley, Kent, BR8 7BU

Tel: 01322 665855

www.swanleytowncouncil.gov.uk

SUMMONS

Date 29th December 2020

Dear Member

You are hereby summoned to attend a meeting of the **Town Council** at the **Council Chamber, St Marys Road on Wednesday 6th January 2021 at 7:30pm** or at the conclusion of the public participation session.



Mr R Hayman
Chief Executive and Town Clerk

PUBLIC PARTICIPATION

If required, the meeting will be preceded by a public participation period of up to 15 minutes in total at 7:30pm. Members of the public are also entitled to speak, during the meeting, on agenda items only and with express permission from the Chairman / Mayor. Those wishing to speak on an Agenda item must indicate this during Public Participation.

Swanley Town Council is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

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Passcode: 018519

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RECORDING (AUDIO AND / OR VIDEO OF COUNCIL MEETINGS AND USE OF SOCIAL MEDIA

During this meeting the public are allowed to record the Committee and Officers from the front of the public seating area only, providing it does not disrupt the meeting. Any items in the exempt Part of an agenda cannot be recorded and no recording device is to be left behind. If another member of the public objects to being recorded, the person(s) recording must stop doing so until that member of the public has finished speaking. The use of social media is permitted, but all members of the public are requested to switch their mobile phone devices to silent for the duration of the meeting.

MOBILE PHONES

Member of the public are reminded that the use of mobile phones (other than on silent) is prohibited at Town Council and Committee meetings.

AGENDA

1. To receive Apologies for Absence
2. To receive Declarations of Interest
3. To approve as correct the Minutes of the Meetings held on Wednesday 2nd December 2020.
4. To receive Minutes of Committees and approve recommendations contained therein:
Personnel - Friday 6th November
Extra General Meeting - Monday 23rd November
5. **EXTERNAL AUDIT REPORT – Appendix A**
To note the External Auditors report for 2019-2020.
6. **WORKING GROUPS TERMS OF REFERENCE – Appendix B**
To agree the terms of reference for all working groups.
7. **SKATEPARK PRESENTATION**
JD O'Brien to present the skatepark project plan. To agree for Concrete Wave to act as a fundraiser and project management organisation for the benefit of Swanley Town Council, with the initial focus on a replacement skatepark on Swanley Recreation Ground.
8. **ENVIRONMENTAL POLICY – Appendix C**
To approve Environmental Policy, no changes recommended.
9. **GRIEVANCE PROCEDURE – Appendix D**
To approve Grievance Policy, no changes recommended.
10. **PERFORMANCE PROCEDURE POLICY – Appendix E**
To approve Performance procedure Policy, no changes recommended.

11. MAYORS COMMUNICATION

To receive such communications as the Town Mayor may desire to lay before the Council (Councillors are reminded that no decision making may take place as a result of this item).

12. REPORT FROM COUNTY AND DISTRICT COUNCILLORS

(Councillors are reminded that no decision making may take place as a result of this item).

EXCLUSION OF PRESS AND PUBLIC

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. ICE CREAM CONCESSIONS

To approve amendments on agreement.

14. CIVIC CENTRE OFFICE HIRE

To approve the Licence to Occupy for new tenant.

Date of next meeting – 20th January 2021

If you would like further information on any of the agenda items, please contact Ryan Hayman, on 01322 665855 or rhayman@swanleytowncouncil.gov.uk

Council Members:

Mayor Cllr L Dyball

Leader Cllr M Horwood

Cllr S Andrews

Cllr L Ball

Cllr C Barnes

Cllr J Barnes

Cllr G Darrington

Cllr P Darrington

Cllr J Domigan

Cllr M Foster

Cllr J Griffiths

Cllr C Lee

Cllr V Letchford

Cllr T Searles

Cllr A Skipper

Cllr J Tuckfield

Section 3 – External Auditor Report and Certificate 2019/20

In respect of **Swanley Town Council KE0277**

1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2020; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

2 External auditor report 2019/20

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None

3 External auditor certificate 2019/20

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2020.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature



Date

18/11/2020

* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews for 2019/20 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

Swanley Town Council
Terms of Reference for All Working Groups



Adopted by Swanley Town Council

On

.....

Review Date

3 Years From Adoption

Swanley Town Council

Terms of Reference for Working Groups

1.0 Introduction

To enable the Town Council to be more proactive a number of working groups of councillors was established, each with terms of reference that document the scope of responsibility and method of working.

Unlike committees of the Council, which have authority to make decisions on behalf of the Council within their areas of responsibility, working groups may only implement resolutions made by the Council and make recommendations for decision by the Council.

Each working group must have three or more members who are councillors, all of whom have the joint responsibility for ensuring that: their activities conform to the terms of reference; there is regular reporting to the Council on progress of the group's activities; and identifying issues requiring resolutions of the Council.

Each working group may co-opt members of the public (who have no voting or other legal rights) onto the working group. This is especially important where the person may hold skills or knowledge that will enhance the function of the working group.

Among the issues which a working group may bring to the Council are: recommendations for amending the scope of their responsibility; altering their method of working, ceasing to function as a working group; or establishing a new group. Such recommendations are to be reviewed and approved at the next available policy and finance council meeting.

Swanley Town Council

Terms of Reference for Working Groups

2.0 Conditions

Conditions attached to methods of working for all working groups are:

2.1. Informal meetings of working groups can be held and recommendations can be formulated for consideration by the Council at the next policy and finance meeting.

2.2. Reports fundamental to the Council may be in writing or delivered verbally: in either case this will either be summarised with or attached to the minutes of the policy and finance meeting.

2.3. Recommendations submitted to Council must be made in writing for consideration at a policy and finance meeting if delivered to the CEO seven days in advance of that meeting.

2.4. Volunteers who are not members of the Council may be invited to join working groups, subject to agreeing to abide by the principles underpinning the Council's Code of Conduct and agreeing to indemnify the Council against liability for personal risks involved in such activities.

Swanley Town Council

Terms of Reference for Working Groups

3.0 Specific Group Terms of Reference for Working Groups

3.1 Finance Working Group

The Finance working group shall consist of the Responsible Financial Officer (RFO) and any Town Councillor who wishes to attend. The Working Group may co-opt someone other than a Town Councillor when specific expertise is required. Membership to be made up of RFO and minimum of three councillors, one of which will assume the lead role.

3.1.1. To advise and support the RFO on financial matters, in particular: compiling and presenting financial statements; drafting annual budgets; and precept recommendations.

3.1.2. To review the end of year accounts in readiness for presentation to the Town Council.

3.1.3. To annually review the Asset Register and advise upon insurance needs.

3.1.4. To review, annually, the Council's 'Financial Regulations' and recommend any revisions required.

3.1.5. To identify projects/issues which would impact on the agreed budget of the Council and recommend any necessary transfers of monies between budgets or from reserves.

3.1.6. To make recommendations to the Full Council on the financial implications of any other matter.

Swanley Town Council

Terms of Reference for Working Groups

3.2 Policy Working Group

Membership to be made up of The Clerk and minimum of three councillors, one of which will assume the lead role.

- 3.2.1 To facilitate the Clerk by reviewing the adopted policies and reporting to the Council any recommendations for changes.
- 3.2.2 To review policy requirements and recommending new policies.
- 3.2.3 Ensure the Council is compliant with all its policy requirements.
- 3.2.4 To bring to the Councils attention any change in legislation that may affect its operation.
- 3.2.5 To prepare and maintain a full list of adopted policies with an agreed review date.
- 3.2.6 To consider and draft new policies, where required.
- 3.2.7 To audit the public available documents to ensure that the current versions are available. This includes the documents on Swanley Town Council's website and in the various files held on record and those documents held or issued to councillors and employees.
- 3.2.8 To assist the Clerk in arranging any training that a councillor or member of staff are required to undertake in any policy



ENVIRONMENTAL POLICY STATEMENT

Swanley Town Council's statement of general policy is to:

- Provide adequate resources to ensure that Swanley Town Council ("the Council") is able to perform all of its duties as required by Environmental legislation
- Provide a standard of adequate control of the environmental risks arising from our work activities
- Ensure safe and legal managed handling and disposal of all waste
- Provide adequate equipment, containment and cleaning materials to manage waste where identified as necessary
- Provide timely information, instruction and supervision for employees on environmental matters
- Regularly encourage environmental improvement initiatives
- Evaluate the potential to recover or recycle our waste materials
- Prevent accidents and cases of work-related ill health, through maintaining good environmental risk assessment and control
- Seek to minimise noise and vibration and to maintain healthy working conditions for our staff and contractors
- Review and revise this policy as necessary at regular intervals
- In describing disposal methods the Council will seek Best Value in selecting a disposal method which may involve burning, though this will be limited to Natural Products only and in limited quantities.

The Council also accepts its part in the responsibility for the local environment and conservation of resources and will endeavour to improve 'progressively' its environmental performance and will comply with legislation.

All employees including volunteers have a responsibility to co-operate with supervisors and managers to make environmental improvement, minimising waste and maximising recycling.

Overall and final responsibility for the environmental controls of the Council is delegated by the Council to:

Ryan Hayman – CEO & Proper Officer

Signed

Dated

This policy was approved on 7th June 2017. It will be kept up to date as the size and nature of the Council changes or new legislation is introduced. Otherwise date of next review



SWANLEY
TOWN COUNCIL

GRIEVANCE PROCEDURE

The purpose of the procedure is to ensure that employees have access to a fair and systematic approach for the handling of grievances.

Scope

The procedure will apply to all employees of the Council except the CEO and any employee whose employment has not yet been confirmed as permanent, ie he or she is still within the probationary period for new employees.

CEO's Grievance

In the case of the CEO recent case law has recommended that the CEO/Town Clerk must lodge the grievance with the Principal Authorities Monitoring Officer and not the Chairman of the Council.

Issues

The following matters cannot be raised under the Grievance Procedure:

- (a) Disciplinary matters
- (b) Capability matters

Separate procedures exist to deal with these issues.

What is a Grievance?

It is difficult to adequately define a grievance. However, for the benefit of supervisors the initial approach might be 'If an employee thinks they have a grievance, treat it as a grievance'.

Examples of grievances:

- Unfair treatment
- Unreasonable refusal of reasonable requests
- Application of any agreed procedures

Time Limits

The parties to a grievance may on occasions mutually modify the time limits referred to in this grievance procedure.

If a grievance is not dealt with within the time limits laid down in the procedure, or within any extended time limits mutually agreed under the above paragraph, the employee will be entitled to move to the next stage of the procedure.

Initial Grievance

An employee with a grievance should discuss the matter first with his or her immediate superior.

The immediate superior should reply orally to the grievance (having made any necessary investigation). This should be within seven working days of the first discussion. If the employee is dissatisfied with the reply, he or she may either:

- (a) Ask a recognised Trade Union representative to raise the matter with the immediate superior, or
- (b) Submit the grievance in writing to the immediate Supervisor.

Where a Trade Union representative raises the matter, the immediate supervisor will reply orally. This should normally be within seven working days of the first discussion with that representative.

Continued Grievance

An employee who is still aggrieved should submit the grievance in writing to the CEO.

The letter should state:

- (a) The nature of the grievance
- (b) The date it was discussed with the immediate superior
- (c) The reply given to the superior
- (d) Why the reply given was not acceptable
- (e) Whether or not the employee wishes to be assisted at any future meeting about the grievance by a chosen adviser.

The letter should be submitted within seven working days following the receipt of the immediate superior's decision.

This meeting should be held within seven working days of the receipt of the written grievance.

After hearing the grievance the CEO should give his/her decision to the employee within three working days of the meeting. This decision must be confirmed in writing within seven working days of the meeting.

The written confirmation should state:

- (a) The decision
- (b) The reason for that decision
- (c) That the employee has a right to appeal against that decision, and the means by which an appeal is to be made.

Grievance Appeals

An employee who is still aggrieved may appeal against the decision of the CEO.

The employee should write to the CEO within seven working days of the receipt of the written confirmation of his/her decision.

If within seven working days no letter of appeal has been received, the grievance shall be deemed to have been settled to the satisfaction of the employee.

Appeal Hearing

The appeal will be heard by the Appeals Committee.

The panel hearing the appeal shall have the power to allow or reject the appeal or to modify the decision of the CEO.

The decision of the Appeal Hearing will be notified to the employee at the end of the hearing, and will be confirmed in writing within seven working days.

PROCEDURE TO BE FOLLOWED BY THE APPEALS COMMITTEE

1. The employee shall be given notice in writing at least seven days in advance of the time and place of the hearing, which shall normally be held within six weeks of the date of the appeal. The employee shall be allowed to be represented by his/her representative(s) or some other person of his/her choice and shall be enabled to call witnesses and produce documents relevant to his/her defence at the hearing.
2. The CEO shall place before the Appeals Committee immediately prior to commencement of the hearing a statement of such of the relevant facts of the appeal as have been agreed with the employee and/or his/her representative(s).
3. The Council's representative(s) shall put the case in the presence of the Appellant and his/her representative(s) and may call witnesses, who shall remain outside the Chamber until called. Once the Council's witnesses have given their evidence, they may remain in the Chamber for the remainder of the hearing.
4. The Appellant (and his/her representative(s)) shall have the opportunity to ask questions of the Council's representative(s) on the evidence given by him/her and any witnesses who he/she may call.
5. The Council's representative(s) shall have the opportunity to re-examine the Council's witnesses.
6. The Committee may ask questions of the Council's representative(s) and witnesses.

7. The Appellant (and his/her representative(s)) shall put his/her case in the presence of the Council's representative(s) and may call witnesses, who shall remain outside the Chamber until called. Once the Appellant's witnesses have given their evidence they may remain in the Chamber for the remainder of the hearing.
8. The Council's representative(s) shall have the opportunity to ask questions of the Appellant and his/her witnesses.
9. The Appellant (and his/her representative(s)) shall have the opportunity to re-examine the Appellant's witnesses.
10. The Committee may ask questions of the Appellant and his/her witnesses.
11. The Appellant and his/her representative(s) shall have the opportunity to sum up their case.
12. The Council's representative(s) shall have an opportunity to sum up the Council's case.
13. The Council's representative(s) and the Appellant and his/her representative(s) and witnesses shall then withdraw.
14. The Committee shall deliberate in private, provided that they may call for the attendance of the CEO to advise them upon any aspect of the appeal.
15. The Committee may, if they wish, recall the Council's representative(s) and the Appellant and his/her representative(s) to clear points of uncertainty on evidence already given. If recall is necessary both parties shall be invited to return notwithstanding that only one is concerned with the point giving rise to doubt.
16. The Committee shall announce the decision to the parties personally forthwith, and it shall be confirmed to them in writing within seven days of the hearing.

September 2018

This policy will be kept up to date as the size and nature of the Council changes or as new legislation is introduced

Otherwise date for next review is January 2021



SWANLEY
TOWN COUNCIL

SWANLEY TOWN COUNCIL PERFORMANCE IMPROVEMENT POLICY AND PROCEDURE

Purpose and scope	2
Principles	2
Informal feedback	2
Process	3
Appeals	5
Rescheduled meetings	5
Right to be accompanied	5
Confidentiality and data protection	6

Purpose and Scope

This procedure is designed to help and encourage employees to achieve and maintain standards of job performance which are acceptable to the council. The aim is to ensure consistent and fair treatment for all.

This document:

- Supports both us and you to bring about positive changes in work performance and attitude, when needed, and,
- Explains how we will deal with instances of performance that fall below our standards, in a fair and consistent way.

It applies to all staff following successful completion of a probationary period, whether full time, part time or temporary. It does not apply to volunteers or agency staff.

Principles

- Informal coaching and supervision will be considered to improve performance
- No formal warnings will be given until the causes of poor performance have been considered
- For formal warnings you will be advised of the nature of the poor performance and will be given the opportunity to state your case at a formal performance improvement meeting before any decision is made
- You will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- At all formal stages of the procedure you will have the right to be accompanied by a fellow employee or trade union representative
- You will have the right to appeal against any formal warnings issued

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the council, we may decide to use our disciplinary procedure instead.

Informal feedback

Before this procedure is engaged, you will receive feedback setting out the concerns about your performance and how it must improve. This procedure is designed to be used when

such informal discussions do not lead to an improvement in your performance to an acceptable level.

Process

Where informal discussions have not led to an improvement in performance, the council will follow the following procedure.

First stage of formal procedure - first written warning

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting.

At the meeting, you will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

Having listened to your response, you may be issued with a first written warning for unsatisfactory performance if your performance does not meet acceptable standards. This will set out: -

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- You will be advised that it constitutes the first stage of the formal procedure and
- That the warning will remain on your file for 6 months

A record of the warning will be kept on your file.

If your performance improves to an acceptable level following the first meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 6 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Second stage of formal procedure - final written warning

If the concerns about your performance continue, you will be invited to a second formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of

your right to be accompanied at the meeting, you may choose this to be from a Trade Union representative or work colleague.

At the meeting, we will discuss the progress made following the first meeting and you will be given the opportunity to respond; and where training and development is appropriate this will be considered.

Having listened to your response, if your performance hasn't improved to a satisfactory level, you may be issued with a final written warning for unsatisfactory performance. This will set out: -

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- That the warning will remain on your file for 6 months
- Advise you that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on your file.

If your performance improves to acceptable level following the second meeting, the council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 6 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Final stage of formal procedure – dismissal

If the concerns about your performance continue, you will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will give examples of what the council considers to be poor performance; and advise you of your right to be accompanied at the meeting. The letter will also advise you that dismissal may be considered.

At the meeting, we will discuss the progress made following the second meeting and you will be given the opportunity to respond. Having listened to your response, if your performance hasn't improved to a satisfactory level, dismissal will be considered, or where appropriate redeployment to an alternative role.

Any offer to redeploy you will be entirely at the council's discretion. Such an offer will be made only where there is a vacancy that we are confident you would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances in which we are satisfied that you should no longer be allowed to continue to work in your current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the council believes that there is no alternative role available and suitable for you, but that you have not met an acceptable standard of performance, we may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, you will be provided in writing with;

- Reasons for dismissal
- The date on which the employment will terminate
- The right of appeal

Appeals

If you wish to appeal against a formal warning or dismissal you must do so by writing to the Clerk within five working days. The Clerk will arrange for an appeal meeting to take place. Wherever possible, your appeal will be heard by a more senior officer or a subcommittee made up of councillors who have not previously been involved in the matter.

You have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative. At the appeal hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

Rescheduled meetings

If you fail to attend a scheduled Performance Improvement Meeting without satisfactory reason, we will reschedule the meeting. We will advise you that if you do not attend the rescheduled meeting without a satisfactory reason, we reserve the right to make a decision in your absence. We will however confirm that if you do not wish to attend the hearing, you may send written representations, join the hearing by telephone or send a representative on your behalf.

Right to be accompanied

You have the right to be accompanied by a work colleague or a Trade Union representative to all formal meetings in this procedure. Notice of attendance from a Trade Union must be given to the Council at least five working days before the meeting. The council will also consider requests to be accompanied to any investigation meetings.

A work colleague will be allowed time off to accompany you to the meeting and the council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they will not be treated to any detriment if they accept. However, the companion can decline a request.

It is your responsibility to ensure your companion is aware of the meeting arrangements and that they have any documentation in good time. If your chosen companion is not available at the time proposed for the meeting, you must provide us with alternative dates that you are both able to meet. These dates must be within the following five working days unless the council can agree to alternative arrangements.

If you and your representative are unable to meet with the council within a reasonable time, we will discuss alternative arrangements to enable you respond to the concerns. If we are unable to meet with you personally, this may mean that the council considers the concerns in your absence with your companion attending on your behalf or considering a written response.

Confidentiality and data protection

We aim to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a performance improvement matter.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the council to take notes.

The council processes any personal data collected during the performance improvement procedure in accordance with its data protection policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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

Ryan M Hayman – CEO & Proper Officer

Signed

Dated

This policy was approved on..... It will be kept up to date as the size and nature of the Council changes or new legislation is introduced. A review is due on.....

— policy ends here —

Notes

This policy is designed to provide employers and employees with a consistent framework to improve performance. If performance does not improve to standards as reasonably expected by the council, this policy provides a procedure that can enable a fair dismissal. The procedure must be applied fairly and reasonably.

1. Scope

This policy does not apply to staff within their probationary period.

2. Reasonable adjustments

When managing performance, it may become apparent that an employee has a health condition that is covered by the Equality Act. You may need to ask consent from the member of staff to seek an Occupational Health (OH) report to better understand their health condition.

If the employee has a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities, the council will need to establish what adjustments may be required to support the employee in the workplace. OH will help you to understand what this could mean. The council will need to assess what changes can be reasonably made.

With regards to performance concerns, a reasonable adjustment could be to:

- allow an employee to work flexible hours to enable them overcome fatigue arising from their disability.
- reallocate minor duties because an employee has difficulty doing them because of a disability.
- Allow more time for an employee to complete a piece of work because of a disability.

Not considering making a reasonable adjustment to support an employee with a health condition covered by the Equality Act would amount to disability discrimination.

3. When to go formal

Day-to-day performance management is critical to ensure that you have a good understanding of the challenges a member of staff has, explore any training or support required, and provide positive and developmental feedback on performance.

When work isn't being done as you reasonably expect, it may be because there is a mismatched understanding, external difficulties that hinder performance, or a lack of skill or will. Until you have had that conversation, you may not know where the problem lies.

In the busy day-to-day work, there isn't always time to take a step back and reflect. Holding regular, monthly meetings with the staff member is important because it provides a space to discuss and better understand what the challenges are. If things are not going as you would like, these regular meetings are an opportunity to review and clarify your expectations.

If this doesn't lead to improved performance, then you should explain the impact this is causing the council and emphasise the importance of what you need them to do. Using SMART objectives will give greater clarity on expectation (SMART - Specific, Measurable, Achievable, Realistic and Time-bound).

If this doesn't lead to improved performance, discuss the reasons and decide whether it is sufficiently serious to proceed to the formal stage.

Note: It is quite common for managers to spend a lot of time in the informal stages, providing coaching and support for extended periods of time and then becoming exasperated, wanting to dismiss, if performance doesn't improve. Irrespective of the time

spent informally managing the situation, employers are expected to have used all the formal stages of the procedure before getting to the point of dismissal.

4. How long is reasonable to wait before moving to the next formal stage?

This will depend on the nature of the improvement required. Some performance improvements can be made immediately (i.e. ensuring agendas are published with three full days' notice), whilst others may take longer (i.e. learning an accounts package to ensuring the budget is monitored and monthly reporting to the council).

5. Avoid bullying allegations

It is understandable that an employee may feel very uncomfortable when performance concerns are discussed. It is not unusual for an employee to believe (or claim to believe) that they are being bullied, and possibly raise a grievance. This is more likely to happen if the performance concerns have been going on for some time and not addressed. If the employee raises a grievance, the formal performance management process should be paused whilst the grievance is addressed.

There are a few ways to help reduce the risk of bullying allegations: -

- Where possible, share your concerns with a peer and get another view on whether your expectations are reasonable (ensuring there is no breach of data protection);
- Make sure that any positive performance is recognised and communicated (preferably supported in writing);
- Ensure feedback is specific and not presented with emotional or subjective language;
- Ensure you have the evidence to support your concern before raising the concern (where relevant);
- Ensure negative feedback is not given in open plan; arrange a meeting when you will have time to discuss the issues;
- Plan what you intend to say when giving feedback and stick to it – having scripted bullet points will help you stick to the facts;
- Avoid raising concerns from third parties that you cannot substantiate;
- Where concerns are shared by others, encourage them to provide feedback directly (this is not appropriate if a more junior employee has voiced a concern)
- Be selective; where there are numerous concerns, focus on the most important ones and 'park' the less serious;