

AN INDEPENDENT INVESTIGATION FOR CHARD TOWN COUNCIL

CONFIDENTIAL

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1.0 Introduction

- 1.1 Chard Town Council commissioned this investigative review (Investigation) to help them understand the events leading up to the resignation of the Town Clerk and the actions of the officers and members alike in that respect, and to develop recommendations which when implemented will address the working environment within the council. The resolution authorising this was passed at Council on 25 October 2022, minute 2022/77.
- 1.2 The review was specifically instructed to investigate current and historical working processes and relationships, to identify how implementation of best practice from elsewhere can lead to enhanced reputation and ensure recent issues and problems do not recur, and to make recommendations for the future.
- 1.3 When authorising the Investigation, Council noted that “a change in the organisational and behavioural culture of the Council may be necessary as a result of any such investigation to ensure that the Council abides by and demonstrates the highest standards of public life as set out in the Nolan Principles”. These principles are recorded in Appendix A.
- 1.4 In undertaking this Investigation I have been mindful of the need to satisfy councillors and the residents of Chard, to whom ultimate accountability lies, that the Town Council is an effective and efficient organisation, a fair and dignified employer, and that civility and respect permeates throughout the Council, as it should do in any civilised employer. Where this has been found wanting this is evidenced clearly with signposts as to future direction, which will help meet those shortcomings, and help to achieve those objectives.
- 1.5 To be properly briefed to conduct the Investigation there was initial correspondence with senior nominated staff prior to attendance on site, week of 23-27 January. There was also extensive pre-reading/research, a tour of the Council’s key sites and facilities to give informed background to any issues that may be raised during the Investigation, all followed by 35 individual one-to-one meetings/discussions with current and former councillors, current and former staff, and representatives of key local groups/organisations that engage with the Town Council. Everyone engaged with was co-operative and supportive of the work being undertaken. A full schedule of participants is attached as Appendix B.
- 1.6 It needs noting that some current employees declined to participate in the review. One observed “There is no point. We have been through this before and nothing changed” It was disappointing that several current councillors chose not to participate, reasons not given.
- 1.7 Grateful thanks are expressed to everybody who has assisted with, and fully co-operated in the review. It is emphasised that the Author takes full responsibility for the content of the report and should there be any errors or misunderstandings contained herein these are his and his alone.

2.0 Background and Context

- 2.1 Chard Town Council is located within the district of South Somerset, one of four districts within the county of Somerset. The district councils are due to be abolished in April 2023, when a new Unitary Somerset Council will be created.
- 2.2 The population at the time of the last census in 2021 was 14,287.
- 2.3 The Town Council comprises fifteen councillors representing the town's six wards: Avishayes, Combe, Crimchard, Holyrood, Jocelyn, and Shepherd's Lane. At the time of this Investigation there were two vacancies on the Council resultant from resignations, one of those being the former Town Mayor in December 2022.
- 2.4 Chard Town Council provides the usual range of local services, including allotments, cemetery, parks, and open spaces. The council is also a planning consultee, provides a local information service out of the Guildhall, administers a community grants fund, and provides and facilitates community and cultural events.
- 2.5 The Town Council's budgeted revenue expenditure in 2022/2023 is £808,715; £681,615 net of income. The Band D precept is £158.82. At Council on 24 January 2023, it was resolved to approve a precept of £775,334 from Somerset Council for 2023/2024 financial year, equating to £173.09 for a Band D taxpayer, a year-on-year increase of 8.98% (Minute 2023/09). In addition some significant external funding has been provided by South Somerset District Council and Heritage England for the High Street Heritage Action Zone regeneration and Culturally Chard programmes.
- 2.6 The Council employs a staff team of twelve personnel, some of whom are part-time. The establishment was last reviewed in 2021. The Town Clerk who has now resigned and whose resignation was the catalyst for this Investigation, was Locum at that time, and confirmed in permanent post subsequently.
- 2.7 The Council has a chequered history in terms of its staffing, and this goes back many years. Since the beginning of 2015 there have been seven clerks, including Locums and Acting, three of whom left with settlement agreements under confidentiality. Similarly, there has been major turnover in other senior management, in the Office staff, and in the Guildhall team and caretaking. Only in the outdoor workforce has there been anything approaching employment stability.
- 2.8 Because of the regular throughput of Town Clerks and office-based-staff, and the hiatus that has inevitably resulted, the appraisal records and records of exit interviews are not as well documented as they should be, but there is a clear pattern in file records/correspondence as is available, added to most recent verbal submissions, to confirm the subsequent reports which were commissioned by the Council, as documented below. These acknowledged the allegations made, of the Council having a toxic, confrontational

environment, with the same councillors consistently identified as being central to the relationship difficulties.

- 2.9 There have been two reports looking into the working of Chard Town Council in recent times. Rebecca Bevins HR Agency produced an “Employee Engagement Report” in March 2020, the conclusion of which was that:

Although there were positive comments the majority of responses were negative with the main issues highlighted as the member employee relationship and the communication. Not only the communication across departments but the communication between the employees and members. All employees interviewed commented about the negative relationship between the councillors and the employees in their responses to at least one question.

The overall score for the morale (sic) is low. It seems that employees say they are happy in work but with limitations. Mainly the relationships having an impact on that morale.

There was comment on the culture being a bullying culture with the members dictating and favouring certain individuals.

- 2.10 Subsequently, in February and March 2021, an Organisational and Staffing Review was undertaken for the Council, by Council HR and Governance Support. The Executive Summary (section 3 of that Report) identified continuing concerns around issues of morale, micro-management by some councillors, bullying and poor working relationships. Most importantly paragraphs 3.14 and 3.15 of that Review stated:

The conclusion to this is that the catalyst for change has to be the Councillors who must accept new working methods and relationships. The fact this report has been commissioned is the first step on this journey. However, many in the organisation bemoan the fact that there have been previous attempts without success. Failure to grasp the change in culture recommended in this report will be doing a disservice to the residents of Chard who pay the Town Council for a quality service which on the whole they are not receiving.

The Council needs to adopt the recommendations within this report, change the culture to one of support and collaboration, to support the new Officer team and not to get involved in day-to-day operations this is one of the biggest issues facing the Council. Without this change in culture the Council will continue to lose senior managers and consequently not put right the many failings in the existing services let alone take on new ones.

- 2.11 More is said about these documents in Section 4.

- 2.12 From the meetings and discussions held, to properly inform this Investigation, it is evident that the Council is committed to ensuring that its structural relationships work well and that allegations of relationship failure, including in relation to bullying, micromanagement, disrespect and incivility, are

addressed. It was the resignation of the Town Clerk on 30 September 2022 which has served as the catalyst for this latest piece of work, but the Investigation looks far beyond this in its scope, as ordained by Council in the Investigation brief.

- 2.13 Finally in this Section it should be noted that in terms of timeline, I have chosen May 2022 as the divide date for considering historic working processes and relationships and current working processes and relationships. This seems most appropriate as this corresponds with the date of the last full-Council elections when the current Council was elected.

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3.0 Executive Summary

- 3.1 The body of evidence submitted to this Investigation, evidenced through personal statements and documentation, overwhelmingly confirms that previously identified issues relating to poor standards of councillor conduct and behaviour, a failure to understand the respective roles of councillors and staff, dysfunctionality, and poor processes, are all still areas of concern. That such concerns have been at the root of continuing staffing instability and insecurity, and that there is reputational damage to the Council and Town consequent upon this, is an inevitable outcome.
- 3.2 The problems the Council has experienced date back over a decade and have proven costly to the Council (and community taxpayers) due to the number of settlement agreements paid out, the disruption to good governance which results, and morale across the organisation. The problems have been known about throughout this time, have been explicitly talked about, have been the subject of two detailed research pieces, neither of which pulled their punches, have been the subject of adverse criticism in the local press and on social media, and yet still they continue.
- 3.3 Councillors across the spectrum must now come together and accept that something needs to be done. This must not be another report that sits on a shelf. If it does without constructive action, then the problems will merely recur again and again. To repeat the words of one Investigation consultee "Doing nothing is not an option".
- 3.4 The report does not name names and that is deliberate. It is not intended to be a witch-hunt. It is only seeking to address the brief and help raise standards and improve working relationships and processes. That said it is appreciated that individuals will almost certainly be identified by some of the comments made. But to ignore the comments would be to render this Investigation toothless and no useful purpose would be served by that. This Investigation report presents councillors and Council with an opportunity to reset; to get a grip on the governance and relationship issues that create such conflict,
- 3.5 It is fair, and right, to acknowledge that the councillors about who most concerns have been expressed, are also those who are considered to be the hardest working, who put in the most hours, and who take on the most senior positions. It is also right to emphasise that those councillors, supported by several others of those interviewed, do not accept their behaviour is inappropriate, nor that it contravenes the code of conduct. However, this Investigation has heard, and read, a sufficient consistency of evidence, to establish that some behaviours, advertent or inadvertent, have fallen short of what is required, and in some cases well short, and that Council has an obligation to put its house in order. Where it fails to do so, those with concerns must call out such behaviour through the enhanced channels that are now available consequential upon the hard work of NALC, SALC, SLCC, the Code of Conduct and Dignity at Work policies.

- 3.6 Sections 4-7 of this Investigation are each dedicated to the four key areas of the brief. Sections 4 and 5 respectively highlight historic and current issues in relation to working relationships and processes, Section 6 is a technical appraisal of best value and expected standards in the sector and how Chard Town Council measures up – not particularly well is the answer - and this Section also signposts, evidenced proposals for remedying the deficiencies. Section 7 sets out the detailed recommendations.
- 3.7 Councillors are urged to read, digest, and agree prompt action in progressing the recommendations. These address issues where the Council currently falls short in meeting essential best practice standards for the sector as identified by both the employer's and employee's associations. These span the spectrum of civility and respect, and dignity at work, areas which have been to the forefront of the relationship issues that have proved so damaging to Chard Town Council for a decade and more. Additionally, the recommendations have also looked at working processes that have contributed to some of the ongoing conflicts, including in relation to recruitment, exit interviews, performance management, and in relation to non-Council Chamber based meeting arrangements.

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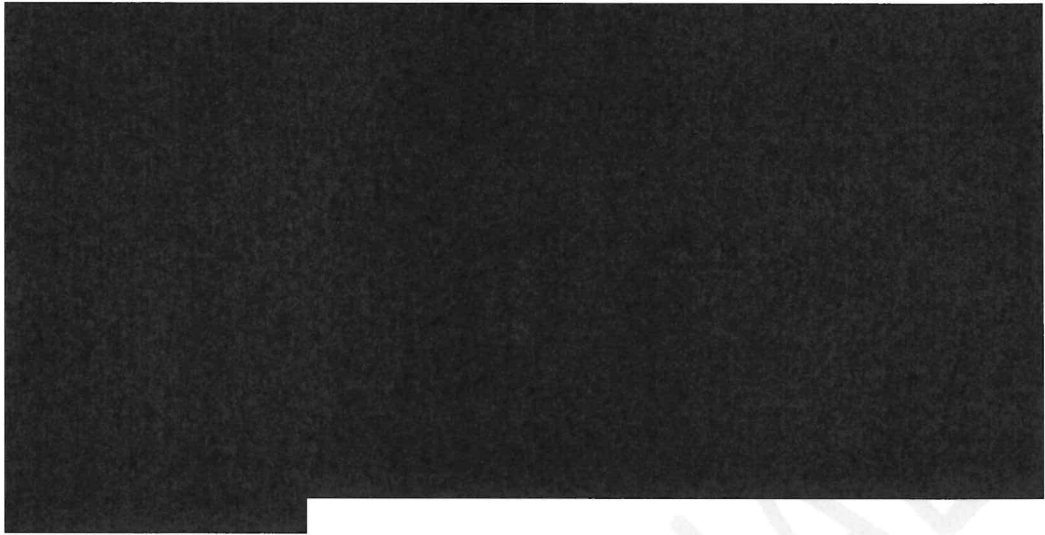
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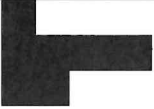
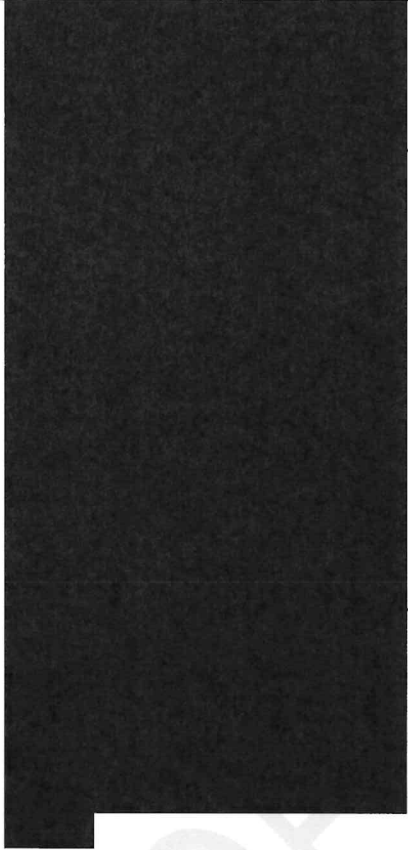
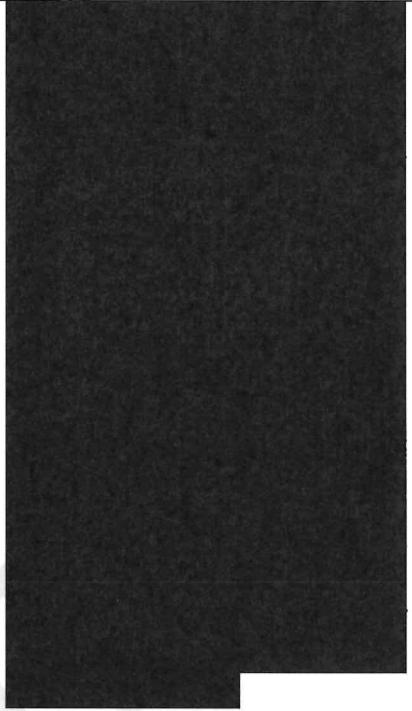
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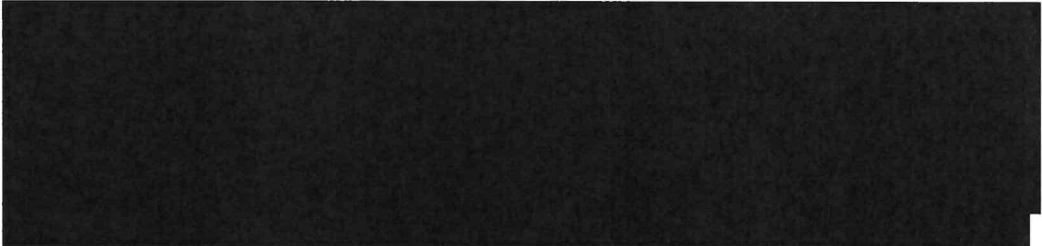
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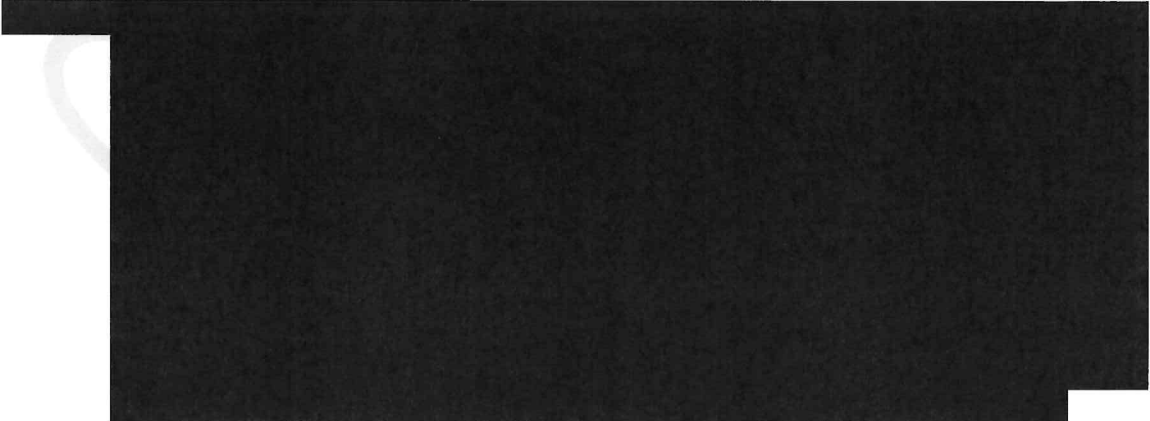
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6.0 Best Practice Evaluations and Comparisons

6.1 The National Association and Somerset Association of Local Councils both identify four key areas in which local councils should commit to best value. These are as follows:

- Civility and Respect
- The Council's Code of Conduct
- Certificate in Local Council Administration
- The Local Council Awards Scheme

Paragraphs 6.2, 6.3, 6.4, and 6.5 provide further information on each of these. The grid in Paragraph 6.7 then analyses Chard Town Council's performance against the standard, and what is required to address any shortfall.

6.2 Civility and Respect

6.2.1 Throughout this document there have been many references to bullying, overbearing behaviour, micromanagement, and the like. It has also been acknowledged that is not a criticism of everybody associated with The Town Council, and that some of those so accused have themselves made similar allegations. But the weight of evidence affirms that things are not as they should be. To doubt that is disrespectful to the individual experiences of those who have been on the wrong end of such behaviours.

6.2.2 It is not that Chard Town Council does not have policies to deal with such matters; it does. The protocol for Member and Officer Relations is comprehensive (dated 2015). It can be read in the Documents Section of the Town Council's website. It makes clear the standards expected of councillors and officers. It is not necessary to go into detail here, but the opening section sets the scene - this states "The ideal relationship is best defined as a partnership of Councillors and Officers working together to achieve the overall aims of the Council". It then goes on to say "Every person must be treated fairly with dignity and respect. Harassment and bullying is not acceptable", "In general, Councillors make policy and Officers implement the Council's policy", "In most cases Councillors should avoid becoming involved in the operational and administrative aspects of service delivery", "A Councillor acting as an individual cannot give instructions to a Council employee", and "Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees" There is much more besides but those are the extracts most germane to this Investigation and why, it is evident that more needs to be done and why the following paragraphs are so significant in that respect.

6.2.3 NALC, SALC and the Society of Local Council Clerks all stress there is no place for bullying, harassment, and intimidation within the local council sector and that signing up to the Civility and Respect Pledge is one of the ways a council can demonstrate that it is committed to standing up to poor behaviour. Taking the pledge demonstrates positive changes, which support civil and respectful conduct.

6.2.4 NALC, SALC and SLCC have invited all councils to take the pledge. By signing the pledge, the council is agreeing that it will treat councillors, clerks, employees, members of the public, representatives of partner organisations, and volunteers with civility and respect in their roles, and it:

- Has put in place a training programme for councillors and staff.
- Has signed up to the Code of Conduct for councillors.
- Has good governance arrangements in place including staff contracts and a dignity at work policy.
- Will seek professional help at early stages should civility and respect issues arise.
- Will commit to calling out bullying and harassment if and when it happens.
- Will continue to learn from best practice in the sector and aspire to being a role model/champion council.
- Supports the continued lobbying for change in legislation to support civility and respect, including sanctions for elected members where appropriate.

6.2.5 Civility and respect, and its many facets, are at the core of Chard Town Council's problems, and are central to the recommendations in this report. If the Council can get this right then many of the problems it has hitherto experienced, and continues to experience, will resolve themselves. The devil is in the detail, and everyone associated with Chard Town Council needs to read the relevant documentation carefully. A pledge is not a pledge merely by the signing action; it is the deeds and not the words that matter.

6.2.6 NALC, SALC and the SLCC have invited all councils to include an agenda item to review the statements and sign up to the Civility and Respect Pledge. Once it has signed the pledge, the council can choose to adopt the model Dignity at Work Policy, which will replace any previous bullying and harassment policy. It encompasses behaviours beyond bullying and harassment and zero-tolerance to deal with concerns before they escalate:

6.2.7 In relation to civility and respect, the Council (as a corporate body) is yet to sign up to this. At a meeting on 26 September 2022 Chard Town Council

considered the report regarding the Civility & Respect initiative jointly developed by NALC and SLCC and a resolution was passed (2022/70) to defer adopting the Civility & Respect pledge until the following actions have been completed:

- A training programme for Councillors and staff has been developed and adopted.
- The revised Code of Conduct has been adopted by Council.
- The required policies that are part of the pledge, including the Member/Officer protocol, have been reviewed and agreed by the Finance & Audit Committee prior to approval of the Full Council.

6.2.8 The model Dignity at Work policy (see Appendix C) has been the subject of significant work by representatives of NALC, SLCC and County Associations. It does not need further reviewing by the Council. The Council does not require a bespoke policy. It really requires the same approach to Dignity at Work as any other local council. It needs Council to adopt this as written.

6.2.9 Regarding training, it is suggested this also should be no impediment to signing the pledge. The Council has a training budget, and training of councillors and staff does take place, albeit in an unstructured way. But the programme will inevitably be dynamic. Nothing the Council currently does in this sphere currently falls short, though a Training Policy would make sense. Such policy does not need to be overly complicated, but it does need to establish the core intentions in relation to training of councillors and employees alike. These might include for example statements like the following:

- The Council's policy is to provide appropriate training and development opportunities for all our staff and councillors in order that they can perform their individual jobs effectively and efficiently and, in doing so, ensures that the Council achieves its corporate objectives.
- This intention reflects the Council's acceptance that effective utilisation of people and the maximisation of their skills and personal development should be awarded priority.
- The Council will commit to establishing Competence Inventories - Standard knowledge/skill will be established for all jobs and roles. These will provide the foundation against which training needs will be measured. Completion/ accreditation of the skills/knowledge will be a requirement upon employees/councillors and training programmes.

6.2.10 Furthermore, it would be good practice to prepare an annual end of civic-year Training report to the HR Committee giving feedback on training undertaken during the year. A simple grid would suffice setting out completed training for

each councillor and employee and identifying future training needs requirements in line with best practice elsewhere, and for employee's in accordance with their individual performance management programmes. Such training needs to give especial focus to the areas that are addressed in this and previous investigations, and that focus upon relationships, including the roles of officers and members, the code of conduct, chairmanship, conducting appraisals and the like.

6.3 The Council's Code of Conduct

- 6.3.1 It is mandatory for Chard Town Council to adopt a Code of Conduct for its Members' and to have a Register of Members' Interests. Both should be freely available on the Council's website.
- 6.3.2 It is required that the Council's Code of Conduct complies with the Seven Principles of Public Life (Appendix A to this report), and to set out how Councillors will have to disclose and register Pecuniary and Other interests.
- 6.3.3 It is required that the District Council's Monitoring Officer establish and maintain the Register of Members' interests for the whole district area. It is the Monitoring Officer who would investigate potential breaches of the code. (Note: This accountability will rest with the new unitary Somerset Council post April 2023).
- 6.3.4 Members of SALC / NALC are encouraged to adopt the LGA Code of Conduct that has been adapted for use by Somerset councils. All councillors will have received this prior to signing their Declaration of Acceptance of Office upon being elected to Chard Town Council. As mentioned previously, at the time of authoring this report two serving councillors have not registered their declarations. They are not showing on either the District Council or Town Council websites, contrary to legislative requirements. This must be addressed.
- 6.3.5 The Council conforms to the current Code (adopted 20 August 2012) but issues of Dignity at Work, see paragraph 6.2.7, still require resolution.

6.4 Certificate in Local Council Administration (CiLCA)

- 6.4.1 CiLCA is a foundation qualification for local council officers and others working with local councils. It's a Certificate in Local Council Administration awarded at Level 3 of the National Qualifications Framework (NQF) where it is worth 20 credits. The qualification is owned and managed by the Improvement and Development Board (IDB) working on behalf of local councils in England. Local councils in this instance are parish, town, community, and neighbourhood councils. The qualification is administered by the Society of Local Council Clerks (SLCC).
- 6.4.2 The new Clerk will need to achieve the qualification as a priority following commencement in office. There is a training requirement here, which the new post holder is committed to undertaking, and the Council has committed to

supporting with. Longer-term the qualification is a prerequisite if the Council aspires to securing the power of general competence.

6.5 The Local Council Awards Scheme

- 6.5.1 The Local Council Award Scheme was launched on 6th January 2015 and recognises and celebrates the successes of the very best councils, providing a framework to support all councils improve and develop to meet their full potential. Being part of the scheme enables a council to be an example of the very best that town and parish councils can be.
- 6.5.2 The scheme offers the opportunity to show that the council meets a set of standards and practices set by the sector, assessed by its peers, and to put in place the conditions for continued improvement.
- 6.5.3 Local councils are at the very heart of their communities; giving neighbourhoods a voice and making people more involved in the decisions that affect them. NALC advise that over 15 million people live in the communities served by them. Through an extensive range of discretionary powers those local councils provide and maintain a variety of important and visible local services.
- 6.5.4 The Local Council Award Scheme exists to celebrate the successes of the very best local councils, and to provide a framework to support all local councils to improve and develop to meet their full potential. The scheme offers councils the opportunity to show that they meet the standards set by the sector, assessed by their peers, and to put in place the conditions for continued improvement. Furthermore, the Award Scheme has been designed to provide the tools and encouragement to those councils at the beginning of their improvement journeys, as well as promoting and recognising councils that are at the cutting edge of the sector. It is only through the sector working together, to share best practice and drive-up standards that individual councils and the sector as a whole will be able to reach its full potential.
- 6.5.5 The first step is to register online with NALC. The council is then charged a fee by NALC. The council does not need to have all the criteria in place at this stage, it is simply registering an interest in taking part in the scheme. The quality council scheme has three award levels, detailed below. (Note: A council can apply for any award level, it does not need to start at Foundation).

- Foundation

The Foundation award is for councils who want to show they meet a set of minimum standards to deliver effectively for their communities. To meet this award the council demonstrates that it has the required documentation and information in place for operating lawfully and according to standard practice. The council also has policies for training for its councillors and officers and so has the foundations for improvement and development in place. The Foundation award allows a council to benchmark its performance

as well as challenging it to consider the councils continuing development and improvement.

- Quality

The Quality Award demonstrates that a council achieves good practice in governance, community engagement and council improvement. Quality councils go above and beyond their legal obligations, leading their communities and continuously seeking opportunities to improve and develop even further. To achieve the Quality Award a council demonstrates that it meets all requirements of the Foundation Award and has additional evidence of good governance, effective community engagement and council improvement. Due to the level of this achievement, a council with a Quality Award is eligible to use the general power of competence.

- Quality Gold

The Quality Gold Award demonstrates that a council is at the forefront of best practice and achieves excellence in governance, community leadership and council development. Quality Gold councils provide leadership for their communities, bring people together, have excellent business planning processes, ensuring value for money as well as constantly seeking new innovations and opportunities to improve. They highlight the very best that can be achieved for the community.

6.5.6 The Council is not currently registered for the scheme. With other more pressing concerns this is not considered to be a priority. Longer term however this would be good for the Council and its reputation, but only once the governance improvements identified in this Investigation has been addressed and are evident in their application and adherence. Quality level is a pre-requisite for attaining the power of general competence but until the qualified clerk element is met this is of less pressing need than other elements within this section.

6.6 Grid Analysis of Best Practice Performance.

Programme	Action Required	Current Status	Timeframe
Civility and Respect	A need to put in place a training programme for councillors and staff.	Largely met. A Training Policy is currently outstanding. Implement per paragraph 6.2.8.	Short – within three months.
	Has signed up to the Civility and Respect pledge for councillors.	There is an ongoing need to implement, per paragraph 6.2.	Short – within three months.

	<p>A need to ensure good governance arrangements are in place including staff contracts and a dignity at work policy.</p> <p>A need to seek professional help at early stages should civility and respect issues arise.</p> <p>A commitment to calling out bullying and harassment if, and when, it happens.</p> <p>A commitment to learn from best practice in the sector and aspire to being a role model/champion council.</p>	<p>Staff contracts in place. See paragraph 6.2.7 for Dignity at Work.</p> <p>This is an automatic commitment following signing of the pledge.</p> <p>This is an automatic commitment following signing of the pledge.</p> <p>This is an automatic commitment following signing of the pledge.</p>	<p>Short – within three months.</p> <p>Short – within three months.</p> <p>Short – within three months.</p> <p>Short – within three months and ongoing.</p>
Code of Conduct	<p>A Code of Conduct must be approved.</p> <p>All Declarations of Interest must be registered and maintained up to date, with full disclosure.</p>	<p>This is in place (2012) and all councillors are bound by this.</p> <p>Two councillor's Register of Interests are outstanding.</p>	<p>Immediately</p>
CiLCA	<p>To ensure the Clerk has the base-level sector specific professional qualification.</p> <p>This is an essential pre-requisite to assist the Council in obtaining the power of general competence.</p>	<p>This is a requirement for the new Town Clerk.</p> <p>The qualification can be achieved via training given by SALC/SLCC.</p>	<p>Short – within 12 months of commencing available training.</p>
Local Council Awards Scheme	<p>This is a national scheme to evidence a Council's commitment to improvement and development.</p>	<p>The Council does not currently participate. Aspire to Quality level initially.</p>	<p>Medium, up to two years once other outstanding issues have been resolved.</p>

6.7 Other Governance Issues Identified by the Investigation

- 6.7.1 This report has also considered other processes and issues that may have impacted adversely upon relationships hitherto, and which, if addressed at this time, will help eliminate some of the difficulties identified. These are set out in paragraphs 6.7.2, 6.7.3, and 6.7.4.
- 6.7.2 Exit Interviews - Whenever employees leave the Council's employment, they should be invited to participate in an exit interview. With this process the Council will get an understanding about their reasons for leaving. They also provide the opportunity to explore the departing employee's experience of working for the Council, including sharing insights into where they think the Council can improve on a daily basis. They provide insights into why an employee is leaving, which can offer important details on any issues that require addressing, including for example, those that run counter to civility and respect. Staff who take part in these interviews are generally much more honest and open to offering suggestions for improvements than those who remain. So it's good business practice to use this process to get an understanding of why a member of staff is departing. It also provides the Council with a vital opportunity to leave the relationship with their employee on a positive note. The Council's HR consultant can offer further advice on this, including on a suitable form that can be used. Interviews for departing employees should be undertaken by the Town Clerk and/or the immediate line manager. For the Town Clerk, interviews should be undertaken by the Chair of the HR Committee unless the resignation letter refers to concerns in the relationship with that individual. In such circumstance the HR advisor should be consulted with regarding suitable alternative arrangements. As a rule, issues arising from such interviews should periodically be reported back to the HR Committee unfiltered.
- 6.7.3 Appraisals – The Council has a staff appraisal scheme, but the constant throughput of staff means this has not been as regularly implemented as required. The Council is responsible for conducting the Town Clerk's appraisal. The recently departed Town Clerk recalls one undertaken during his three-year service period. He does not recall receiving any written feedback following this. No paperwork is apparent in the files. No councillor should be authorised to conduct such an appraisal without first having undertaken formal training in the discipline. The Town Clerk supported by Line Managers, as appropriate, is responsible for other staff. Once current staffing pressures are resolved regular progress on this should be possible. Again, the HR adviser will be able to offer greater guidance here if required. Certainly, the measuring of performance against small numbers of key objectives should reduce some of the tensions and conflicts that adversely impact on Member/Officer relationships.
- 6.7.4 Councillors requiring to meet with Officers outside of Council or Committee meetings should make an appointment first and make clear the purpose of such meeting. This applies to all members, including Chairpersons. This is essential to optimise effective staff time, and that of councillors also, and eliminate some of the conflicts that have hitherto arisen with some councillors

spending too long in the Guildhall, taking up officer time unnecessarily, and giving instructions to employees, which is not permitted. Paragraph 25 of the Code of Conduct explicitly states that; “Unless duly authorised no councillor shall inspect any land and/or premises which the Council has a right or duty to inspect; or issue orders, instructions, or directions”. This is a development that staff would welcome, and which is commonplace in the sector.

6.8 The next section sets out specific recommendations to meet the concerns identified in this Investigation and to address the brief as set out by the Town Council. These cover the following areas and are then formalised into specific recommendations, all set out in Section 7, which follows.:

- A commitment to ensuring civility and respect permeates the actions of the Council as a corporate body and all councillors and employees in their dealings with each other and with all coming into contact with the Council at all times, including face-to-face and in all written communications.
- A commitment to continuing professional training and development for councillors and staff alike with especial emphasis on areas giving rise to potential conflict including in relation to member and officer roles and relationships, and to developing an effective focussed training programme for councillors, which all councillors support..
- To agree a Training Policy.
- To support the new Town Clerk in his professional development training, particularly initially regarding the Certificate in Local Council Administration, and with supportive mentoring as required.
- When staffing circumstances permit, and the Town Clerk so advises, to commence upon the Local Council Awards Scheme with the longer-term objective of obtaining the power of general competence and raising the Council's evidence-based performance and reputation.
- To ensure all councillors keep their declarations of interest up to date at all times, notify the principal authority and Chard Town Council of any changes as soon as they arise, and being diligent in declaring the same at any meeting attended where such interests do conflict.
- To introduce exit Interviews for all staff and ensure any feedback that requires resolution is acted upon and/or reported to the HR Committee for further consideration.
- To ensure that staff appraisals are conducted in accordance with the Council's approved scheme, including in relation to frequencies.
- To introduce a basic protocol for non-Council Chamber meetings between councillors and staff to reduce conflict and overstepping of

boundaries between the respective roles of policy determination and day-to-day governance/administration/executive management.

- To ensure recruitment processes at all levels of the Council's staffing are robust and effective with full Council accountable for the recruitment of the Town Clerk, and the Town Clerk accountable for the recruitment of all other employees, in accordance with his role as Head of Paid Service.

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7.0 Summary of Recommendations

Recommendation 1: That Chard Town Council should, at the earliest opportunity, adopt and sign the Civility and Respect Pledge, in accordance with paragraph 6.2.6 of this Investigation.

Recommendation 2: That Chard Town Council should agree to adopt as policy, and abide by, the model Dignity of Work Policy, as per paragraph 6.2.8 and Appendix C of this Investigation.

Recommendation 3: That Chard Town Council should reaffirm its commitment to councillor and staff training and continuing professional development, and that it should approve a simple training policy of intent, in line with recommendations contained in paragraph 6.2.9.

Recommendation 4: Chard Town Council should ensure all councillors Declarations of Interest are fully-up-to-date and posted on the Council's website, and that of the principal authority also, per paragraph 6.3.4 of this Investigation.

Recommendation 5: That Chard Town Council commits to supporting the new Town Clerk attain the Certificate in Local Council qualification as set out in his contract of employment, within the agreed timetable, and in accordance with paragraph 6.4 of this Investigation.

Recommendation 6: That once the Town Clerk has attained his CiLCA qualification, and other governance recommendations contained within this Report have been satisfactorily addressed and/or implemented, Chard Town Council should commit to attaining the Quality standard as laid out in the Quality Awards Scheme, as administered by the National Association of Local Councils, in accordance with paragraph 6.5 of this Investigation.

Recommendation 7: That Chard Town Council should, acting through the executive leadership of the Town Clerk, ensure a robust policy is in place for conducting exit interviews with departing staff, and then reporting ongoing issues/concerns arising to the HR Committee, and that further advice and guidance on this be sought from the Council's HR Advisor, all in accordance with paragraph 6.7.2 of this Investigation.

Recommendation 8: That Chard Town Council should, acting through the executive leadership of the Town Clerk and advice from the HR Advisor as appropriate, commit to ensuring that staff appraisals are conducted in accordance with recognised best practice standards of timeliness and objectivity, and with a focus on measurable performance, and that these records are carefully documented, agreed and signed by both parties, and placed on individual's personal files, in accordance with paragraph 6.7.3 of this Investigation.

Recommendation 9: That Chard Town Council should, as an essential pre-requisite for future positive working relationships, and to avoid future allegations of micromanagement by some councillors and interference in the executive functioning of the Council's good governance, agree and approve a protocol that councillors wishing to meet with officers outside of the Council chamber, must do so by agreed pre-meeting arrangements, including time, date, venue and purpose.

Recommendation 10: That Chard Town Council should, as an essential pre-requisite for all future recruitment, and with guidance from the HR Consultant as appropriate, ensure that its processes are robust, comprehensive, and accountable.

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Seven Principles of Public Life

The Seven Principles of Public Life often known as the '**Nolan** principles are as follows:

1. Selflessness: Holders of public office should act solely in terms of the public interest.
2. Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. Honesty: Holders of public office should be truthful.
7. Leadership: Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

These principles were devised by the Committee of Standards in Public Life (CSPL) in 1995 under its original chair, Lord Nolan. The exact wording has been amended several times and the above quote shows the current wording.

CSPL was established by the then-Prime Minister John Major, with the following terms of reference: "To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life".

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix C

DIGNITY AT WORK POLICY

[Council] believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

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

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

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

This document:

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

Scope

This policy covers bullying and harassment of and by **clerks/chief officers** and all employees engaged to work at **[Council]**. Should agency staff, or contractors have a complaint connected to their engagement with **[Council]** this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the **deputy chair / council's personnel / staffing committee**.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

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

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

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

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, [civility and respect pledge], equality opportunities policy, and all other policies and procedures set by the Council.

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

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

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

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.

What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

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

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.

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

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

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

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

Victimisation

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

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

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

Reporting Concerns

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

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

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: If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. 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 staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

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

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

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

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

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

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

Raising a formal complaint

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

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

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

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

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

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

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

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

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. 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.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

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

Scope

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

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

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/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 staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

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

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

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

Ensure that you communicate regularly with both parties.

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

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/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 be 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.

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