



BOXLEY PARISH COUNCIL

www.boxleyparishcouncil.org.uk

Clerk – Mrs Pauline Bowdery
Assistant Clerk – Mrs Melanie Fooks
Tel – 01634 861237

Beechen Hall
Wildfell Close
Walderslade
Chatham
Kent ME5 9RU

E-mail – Clerk@boxleyparishcouncil.org.uk

To all members of the Council, public and press

2 September 2013

There will be a meeting of the **Finance and General Purposes Committee** on **Tuesday 10 September 2013** at the Parish Office, Beechen Hall, Wildfell Close, Walderslade commencing at 7.30 p.m.

1. **Apologies and non-attendance.**

To receive apologies from members unable to attend.

2. **Declaration of Interest or Lobbying.**

Members are required to declare any interests, dispensations or lobbying on items on this agenda. *(Members are reminded that changes to the Register of Interests should be notified to the Clerk).*

3. **Minutes of the meeting of 9 July 2013.**

To consider the minutes of the meeting and if in order to sign as a true record (previously circulated).

4. **Matters Arising.**

Minute 2556/5.4 Parish Services Scheme: KALC Maidstone Committee have not yet recommended that the return be completed by parish councils.

To adjourn to enable members of the public to address the meeting.

5. **Financial report.**

5.1 Reconciliation of accounts report for 2 September 2013 (page 3).

5.2 Income/Expenditure report as at 2 September 2013 attached (pages 4-6).

5.3 Investment Bonds: A decision on the investment of the Natwest 6 month bond is required. The Clerk's recommendation is that it is closed with the money transferred to the general account.

6. **Policy and procedures reviews.**

6.1 Grievance and Disciplinary procedures see report (pages 7-10).

6.2 Annual Competency Review; see report (pages 10-14).

6.3 Value for money review of Downs Mail expenditure; see report (page 14).

7. **Personnel matters.**

7.1 TOIL and leave: a report will be given at the meeting.

8. **Dove Hill Allotments Expenditure.**

See report (page 14, 15-16)

9. **2014/2015 Budget**

Members are required to identify, in advance, projects that they wish considered for the next budget. Advance notice is sought to allow investigation of feasibility and cost.

10 **Grant Requests.**

War Memorial Wreath.

11 **Matters for Information.**

None.

12 **Date of Next Meeting.**

Tuesday 12 October 2013 at Beechen Hall, Wildfell Close, Walderslade commencing at 7.30 p.m. Items for the agenda must be with the parish office no later than 4 October.

Pauline Bowdery
Clerk to the Council.

Issues to be returned to agenda as they develop. Exporting of SCRIBE reports into excel review due July 2014.

Note to all councillors: you are welcome to attend meetings of committees of which you are not a member but only committee members may vote.

**Supporting agenda papers for the Meeting of the Parish Council
Tuesday 10 September 2013.
The Chairman will assume that these have been read prior to the meeting.**

Item 6 Policy and procedures reviews. Purpose of item: Decision.

Item 6.1 Grievance and Disciplinary procedures

The parish council follows the models set by NALC and there has been no notification of a new model or a change in legislation. The parish council receives notification from KALC and ACAS and it is via this method it keeps up to date. The ACAS code of practice mentioned below is still the model recommended by ACAS.

Current policy. Boxley Parish Council – Disciplinary and Grievance Policy & Procedures.

The Parish Council uses the following to set and guide it on matters of policy and procedure for its Disciplinary and Grievance Policy and procedures

- ACAS Statutory Code of Practice on Discipline and Grievance (Secretary of State approved on 6th April 2009).
- ACAS Guide which gives information and guidance on good practice.

If any issue or situation arises that needs clarification then the above 2 documents will be consulted. Mediation, if both parties agree it would be useful, will be considered.

In dealing with disciplinary/grievance action and appeals the following procedures, where possible, will be followed.

Disciplinary action. The Chairman will be responsible for the process.

The Disciplinary Appeal Committee will be made up of the Vice-Chair of the Parish Council and the 2 Committee Chairs. If any councillor is involved within the disciplinary dispute they are excluded from the process.

Grievance action. The Chairman will be responsible for the process.

The Grievance Appeal Committee will be made up of the Vice-Chair of the parish council and the 2 Committee Chairs. Any person named as the cause of the grievance will be excluded from the decision process.

Disciplinary Policy and Procedure.

1. Purpose and scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance and this procedure applies to all employees. The aim is to ensure consistent and fair treatment for all in the organisation.

2. Principles

Informal action will be considered, where appropriate, to resolve problems. Often a quiet word is all that is needed, and where appropriate, resolving an issue by informal action may be considered prior to instigating formal procedures.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3. The Procedure

First stage of formal procedure

A first warning for misconduct will be given at an interview, if conduct does not meet acceptable standards. This will be confirmed in writing and will set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (e.g., six months).

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the line manager but will be disregarded for disciplinary purposes after 6 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the Chairman, and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the line manager but will be disregarded for disciplinary purposes after 6 months subject to achieving and maintaining satisfactory conduct or performance.

Gross misconduct

The following are examples of actions which are normally regarded as gross misconduct:

- Theft or fraud

- Physical violence or bullying
- Deliberate and serious damage to property
- Serious misuse of an organisation's property or name
- Use of Parish Council computers to deliberately access internet sites containing pornographic, offensive or obscene material
- Serious insubordination
- Unlawful discrimination or harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence.

If an individual is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal, with right of appeal, without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The Disciplinary Appeals Committee will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

.....

Grievance Policy and Procedure.

It is the policy of the Parish Council to ensure that all grievances are fairly and speedily resolved once drawn to the attention of the Chairman or Parish Clerk. To ensure this, the following procedures should be followed.

The First Step: Attempt to resolve the grievance informally

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

Formal grievance

If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to the Chairman of the Parish Council or, in the case of employees, the Parish Clerk*. You should stick to the facts and avoid language that is insulting or abusive. Where your grievance is against the Chairman and you feel unable to approach him or her you should talk to the Vice-Chair or another parish councillor.

*If the grievance is against the Parish Clerk you should contact the Chairman.

Grievance hearing

You will be invited to a meeting with the Chairman and/or Parish Clerk as appropriate, normally within five working days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting.

After the meeting the Chairman of the Council will give you a decision in writing, normally within 24 hours.

Appeal

If you are unhappy with the decision and you wish to appeal you should let the Chairman/Parish Clerk know.

You will be invited to an appeal meeting, normally within five days, and your appeal will be heard by the Grievance Appeals committee. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.

After the meeting the Chairman will give you a decision, normally within 24 hours. The Grievance Appeal Committees decision is final.

Item 6.2 Annual Competency Review

Clerk's note: The following is a draft for members to consider.

Boxley Parish Council has set itself an aim not to stagnate and always to seek a way to improve the way it works and responds to its residents. As part of this aim each committee is required to undertake an annual review of its work, procedures and efficiency and make a competency report, highlighting any weaknesses and omissions, to the Parish Council.

To allow the Committee to undertake this work the Clerk has prepared the following report on the work of the committee and it lists all the different methods, procedures and ways that are used by the office to ensure that work is undertaken and nothing gets forgotten or missed. The list cannot be exhaustive and there will always be irregular or one off situations that will need to be dealt with as they arise. Part of the review (effectively a health check) will need to be a judgement that there are correct policies and procedures in place to be able to identify and deal with odd or unforeseen situations.

The Finance AND General Purposes Committee (F&GPC) under its Terms of Reference has a number of areas that this recommendation covers, and these are as follows:

1. Risk Assessments (RA), policy and actions taken to control and alleviate/control any potential issues

- Recommendations on Financial Regulations (RA, action and policy)
- Recommendation on banking arrangements (RA, action and policy)
- Recommendation on investments (RA, action and policy)
- Insurance Recommendation on banking arrangements (RA, action and policy)
- Health and Safety (RA and policy)
- Training
- Petty cash (policy)
- Direct Debits, Standing Orders and BACS (policy)
- Reserves Policy (RA and policy)
- Risk Assessment (Estates Committee is responsible for Beechen Hall RA) (RA, action and policy)
- Audit Controls (RA and policy)
- Grievance and Disciplinary Procedures (RA and policy)
- Grants
- Grants Policy and procedure (policy)
- Reserves (RA and policy)
- Independent Internal Auditor Appointment.
- Sign off (by Chairman) of annual staff salary payments (action)
- Minimum standard checks on salaries and PAYE (started Oct 2012) (RA, action and policy)
- Management of TOIL and Annual Leave (action and policy)

- Overview of and recommendation to Parish Council of annual budget and precept (RA, action and policy)
- Two monthly check on bank balances and reconciliation of accounts etc. (RA, action and policy)
- End of Year submission (action)

All of the above are scheduled in a document submitted to the January Finance Committee (Review of policies and procedures diary document to allow adjustments). This not only proves to the Committee that the office has correct procedures to ensure reviews but also allows Councillors an opportunity to comment on the review schedule (action).

In previous years the Parish Council also had a Financial Scrutiny Committee which was independent of the Finance Committee and this undertook an overview function referring any issues or perceived weakness on financial situations back to the Council or relevant Committee. In May 2013 it was decided not to reappoint this committee as it was shown that it duplicated work and prolonged issues and was not an efficient way of working.

2. Procedures.

The parish office and its staff undertake "housekeeping" that members often do not know anything about, or take for granted, and this is why the Council must appoint competent staff and allow them adequate time, training and equipment to do the work. At some point a housekeeping issue may be referred to the Committee, the parish office uses common sense in deciding if and when this happens.

Housekeeping can range from amending (within the parameters allowed by the committee) the BACS payments list to amending the insurance policy before reporting to the committee.

Councillors do not normally have to become involved in 'housekeeping' issues as this would not be an efficient or effective way to manage the Council. So how do Councillors know if "housekeeping" work is being undertaken? This can be judged in a number of ways;

- Lack of complaints from the public/other members.
- Discussions with/comments from public, contractors etc. will notify Councillors that a problem exists or is brewing.
- Paperwork not being available in adequate time (agenda, reports etc.) Review diary not being adhered to without adequate reason.
- Office being unable to supply something requested or having no knowledge of something.
- Office not completing an action asked for by a committee or programmed into the diary.
- Information coming to it from serving on another committee or reading another committee's agenda/minutes.
- Decisions can be made at meetings as there is sufficient information to do so; if a decision cannot be made at a scheduled meeting then the options for making it out of meeting etc. are explained and understood by members.
- 'Gut instincts'.

The review diary also includes other information by which Councillors can judge whether the committee/office is 'healthy' and these are generally under office notes and are a reminder not only to staff but also to the committee. Examples of these monthly tasks/reminders are:

- (office note – arrange for agenda a review of earmarked reserves situation)

The agenda for meetings includes regular items (Bank Reconciliations) to allow regular reviews and debate and items are added as issues are identified. At the end of the agenda is a list of items that have been deferred and members can keep an eye on these to ensure they are returned. In 2012 new information was added to the agenda and councillors are now notified of the deadline for submitting new items for the next agenda.

3. Decision making.

A Parish Council is a democracy but to make the proper decisions it must have information. Reports submitted to members must contain relevant information that is produced in such a way so as not to unduly influence the members or ensure a particular response. If members consider that there is insufficient information then they must highlight this issue. In some cases the Clerk, and in her absence the Assistant Clerk, may need to 'instruct' the members to ensure that a legal and correct decision is taken and in such cases the report should clearly indicate why.

It might be helpful to remind members that the parish office operates the following system in reports and any of the following can be ignored or added to during the discussion:

- Clerks/Asst Clerk's comment. This is used to impart (in written form) some additional information that it is considered is relevant. Councillors then have time, before the meeting, to consider the information. It is also used to create links between the many other documents or other Committee policies etc.
- Suggestion, this is to put forward a possible decision, plan or idea to open debate.
- Options, this is used when the parish office can't find that the Council has any policy or previous stated views on the issue being considered. It is to help members consider what is in front of them and to open up discussion.

The Clerk/Asst Clerk also uses 'recommendation' and anything under this description is more likely to deal with a legal requirement. Thus a recommendation to adopt a policy is because not to do so could create legal problems, result in the Council acting unprofessionally or result in the Council not meeting requirements set by itself or another outside body. This does not mean that members should not change or amend aspects of the policy but members need to do so from a position of information and so advance warning of any queries would be extremely helpful.

4. Other issues.

Councillors have to have an element of trust in its personnel however they should not become complacent. It is not wrong to question a report/item however it is polite to do so in a fair way and to give notice to the report's author prior to the meeting. It is more effective and efficient if advance notice can be given of any queries as the personnel undertaking the meeting might need to gather information and can be tired as they will have been working that day.

Prior to going out the agenda is reviewed by the Chairman of the Committee to try to ensure that all items are relevant and that sufficient information is included.

The Councils' method of working is that all Councillors receive agenda and minutes of all committees and that the agenda items are supported by relevant reports and information. This allows members to make informed decisions and it is always helpful to receive feedback on the whether the report was balanced and included all the information members needed.

Councillors also have responsibilities that impact on the competency of the Council and it is expected that they have read their agenda and reports prior to a meeting. The information supplied to Councillors by the office and information available from other sources allows Councillors to form opinions and to take decisions from a position of information. Training is vital for a healthy committee and various methods are available and members should consider completing training.

5. Competent.

The Parish Council is required to appoint a competent Proper Officer (Clerk and in her absence Asst. Clerk). It is a duty of all Councillors to ensure that any document received

is relevant and the Clerk is responsible for ensuring all documents are kept up to date and are correct. It is the Committees duty to judge whether this has been achieved and so is a shared responsibility. So how do Councillors do this? This can be achieved in the following way:

- Councillors keep abreast of developments through the KALC Parish News, newspapers, Television etc. They should be willing to check with the parish office that they have noted that something is happening and whether it is going to the committee. *Clerks comment – the office is signed up to many e-mail notification systems (including MBC’s Items of Interest notification system) and also pays to have the Direct Information Service which is a NALC run service giving briefings on changes to legislation, Ministers press releases, other organisations and NALC press releases/statement etc.*
- Read and study all the documents received and using their experience and knowledge judge whether it is correct. *Clerk’s comments – the strength of a Quality Parish Council comes from the variety of Councillor serving on it. Their individual experiences, common sense etc. means that there is generally someone with in depth knowledge.*
- The Clerk, on important reports and documents, will often add a statement to prove that she was competent to make the report or any suggestions/recommendations. She also includes footnotes and information which allows councillors/the public to locate relevant legislation and information. This allows Councillors to judge whether the work submitted is fairly balanced, has depth and breadth and comes from relevant sources.
- The Parish Council has Power of Competency, a Code of Conduct and the Clerk is responsible for considering requests for Dispensations. The competence of the parish council is further indicated by the many policies and procedures it has adopted and which indicates long term planning.
- The Assistant Clerk is currently undertaking distance training which will expand her knowledge and experience. The Clerk will also continue to undertake training and members are also asked to consider their training needs.
- **Councillors attend conferences and seminars through the year and produce a report for the relevant committee which provides useful and relevant material and information.**

6. Statement of Clerks competency to produce such an overview.

The Clerk is a qualified Clerk (Certificate of Higher Education in Local Policy July 2000) and undertakes regular training to keep up to date and refreshed. She has been a Clerk for 19 years and is a member of the Society of Local Council Clerks Kent Branch. Her financial and administrative systems are annually audited by the Independent Internal Auditor and positive reports on her competence and the quality of the office systems are regularly submitted to the Parish Council. The Parish Councillors Internal Audits check her financial systems and positive feedback is received by this.

7. Compliance with 2012 Health check.

The following issues were identified.

- The importance of identifying an action when a decision is made and, where appropriate, naming the person responsible for ensuring the work is progressed. Agreed this had been overlooked and should be put in hand immediately. **Members have worked to ensure that this issue does not occur.**
- An area of common concern identified in the latter discussion was the length of meetings. This was often caused by councillors coming not having read their papers or not following correct committee procedure. After discussion it was agreed that discipline at meetings was down to the relevant chairman to manage but the Chairman was asked to raise the issue at the next parish council meeting. Action – all chairmen. **The layout of the agenda and reports was changed as it was thought this would help. Chairmen and councillors are kept aware of this issue.**

8. **Weaknesses/opportunities identified by the Clerk whilst undertaking the report.**

The following issues were identified.

- Only two of the eight members of the F&GPC come from the South Ward. The parish council is attempting to rectify this issue by being proactive to encourage residents from that area to stand however in May 2014 it should consider being proactive in appointing a more balanced committee.
- It sometimes feels that the F&GPC and other committees only add to their workload by considering complex documents in committee. Responding to, for example, consultations is an extremely important part of representing the community but briefing reports submitted to committees are often complicated and it is probably not an effective and efficient way of working. Members could consider whether there is a better way forward for example the response to a consultation could be delegated to a person or persons and completed out of meeting; obviously some consultations do need to go to committees but these could be identified in advance.

9. **Health Check.**

Members need to undertake a health check on the F&GPC to identify

- Are the current policies and procedures enough? If not where are there weaknesses?
- Are the current checks (reports to meetings) enough to make a decision or do members wish to devise an alternative approach for example a spot check at the office?
- What improvements they think there could be to the way current policies, actions and procedures are managed.
- Are there procedures in place to be confident that one off or irregular issues are dealt with by the office under "housekeeping" or referred to the Committee in a prompt and correct manner.

Item 6.3 Value for money review of Boxley Parish Mail/Downs Mail expenditure.

Purpose of item: Information and decision.

2012/13 Cost of page in Downs Mail (including delivery and 2 extra pages for Chairman's report and End of Year accounts) £7,975.84.

Item 9 Dove Hill Allotments Expenditure. *Purpose of item: Information and decision.*

Clerk's note; Due to impending leave it has not been possible to double check the attached spread sheet (pages 15-16) so it is subject to some minor change.

The 2013/2014 budget identified an expenditure allocation of £25,000 and the Allotment Working Group is requesting that £10,000 be allocated from either the contingency fund or the Land acquisition fund.