



# BOXLEY PARISH COUNCIL

www.boxleyparishcouncil.org.uk

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To all members of the Council, public and press

7 July 2014

There will be a meeting of the **Finance and General Purposes Committee** on **Tuesday 15 July 2014** 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 Interests, dispensations, predetermination or Lobbying.**  
Members are required to declare any interests, dispensations, predetermination 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 meetings of 20 May 2014.**  
To consider the minutes of the meeting (previously circulated) and if in order to sign as a true record.
4. **Matters Arising From the Minutes.**  
Minute 2653/5.2 Income/Expenditure Report code 47. An inputting error early in 2013 meant that the old precept (2012/13) was not changed to reflect the 2013/14 precept.

## **Adjournment to enable members of the public to address the meeting.**

5. **Financial report.**
  - 5.1 Reconciliation of accounts report as at 7 July 2014 (pages 3-4).
  - 5.2 Income/Expenditure report as at 7 July 2014, report to follow.
  - 5.3 Investment Bonds, see report (page 4).
  - 5.4 Exporting of SCRIBE reports into excel review due July 2014. see report (page 4).
  - 5.5 Parish Councillor Audit 29 May 2014. To receive and consider the audit, see enclosure.
6. **Policy and procedures reviews.**
  - 6.1 Audit Control: Governance Statement see report (page 4-7).
  - 6.2 Risk Assessment: Internet Access by members of the Public, using the Parish Councils computers Risk Assessment see report (page 7-8).
  - 6.3 Internet Access by members of the Public, using the Parish Councils computers Policy see report (pages 8-9).
  - 6.4 BPC Policy for staff and councillors. Acceptable use of computer facilities, email and the internet see report (pages 9-12).
  - 6.5 Bullying and Harassment Policy see report (page 12-15).
  - 6.6 Risk Assessment see report (page 16-22).
  - 6.7 Complaints form see report (page 23).
  - 6.8 Annual competency review/statement see report (page 24).

7. **Personnel matters.**  
TOIL, leave and leave/sickness cover.
- 8 **Training Needs Review.**  
To receive and consider any issues referred from the parish council meeting.
- 9 **Grant Requests.**  
None received.
- 10 **Matters for Information.**  
None.
- 11 **Date of Next Meeting.**  
Tuesday 9 September 2014 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 1 September.

*Pauline Bowdery*

Pauline Bowdery  
Clerk to the Council.

Issues to be returned to agenda as they develop.

**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 Finance & General Purposes  
Committee on Tuesday 15 July 2014.**

**The Chairman will assume that these have been read prior to the meeting.**

Councillors wishing to suggest changes to any policy document or procedure in this agenda should notify the office, in writing, at least three working days in advance of the meeting. This will allow details to be circulated at the meeting (or in advance if particularly contentious).

**Item 5. Financial report** *Purpose of item: information and action.*

**Item 5.1 Reconciliation of accounts report for 7 July 2014**

<b>Bank Reconciliation at 07/07/2014</b>			
	Cash in Hand 01/04/2014		328,555.48
	<b>ADD</b>		
	Receipts 01/04/2014 - 07/07/2014		124,478.28
			<u>453,033.76</u>
	<b>SUBTRACT</b>		
	Payments 01/04/2014 - 07/07/2014		55,792.62
<b>A</b>	<b>Cash in Hand 07/07/2014</b> (per Cash Book)		<u><b>397,241.14</b></u>
	Cash in hand per Bank Statements		
	Cash 31/03/2014	150.00	
	HSBC Beechen Hall 26/06/2014	14,440.91	
	Coop General Account 26/06/2014	80,241.09	
	Coop Investment Bond 02/07/2013	0.00	
	Santander Investment Bond 23/06/2014	125,040.31	
	Natwest Fixed Rate Deposit 31/03/2014	80,000.00	
	Barclays Bank 31/03/2014	90,138.25	
	HSBC Invest Bond 29/05/2014	25,000.00	
	Santander Bond matures 01.07.2015		
	HSBC investment bond matures 21.11.14		
	Natwest Bond has been matured and funds will be transferred to a new Lloyds Bank investment bond.		
			<b>415,010.56</b>
	Less unrepresented cheques As attached		22,701.47
			<u>392,309.09</u>

	Plus unrepresented receipts As attached		4,932.05
<b>B</b>	<b>Adjusted Bank Balance</b>		<b>397,241.14</b>
<b>A = B Checks out OK</b>			

### Item 5.3 Investment Bonds.

As members will see from the reconciliation report the Santander Bond has been set up for £125,040.31.

The office is currently arranging to transfer £125,000 to Lloyds Bank. £80,000 into a 12 month bond and £45,000 into a 3 or 6 month bond. This is currently not shown in the bank reconciliation document as the paperwork has not been received or processed.

### Item 5.4 Exporting of SCRIBE reports into excel.

There are three different types of reports.

- 1) A general receipt report that goes onto the parish council agenda;
- 2) A payments report that goes onto the parish council agenda and which is also printed off for members to sign when authorising payments;
- 3) Reports that go to the F&GP Committee.

Clerk's comments.

Reports 1 & 2 need some work done on them to fit the page widths of the agenda and this can take a little time as columns have to be deleted and sometimes when doing this other information is removed. There is no way around this issue but it is important that the council keeps producing this information as once it is in the agenda it goes onto the website and is in the public domain thus satisfying the open and accountable policy of the parish council. By undertaking this work the parish council is also meeting standards set by the Government for principle authorities to publish information on any items of expenditure of over £500. The Government has indicated that it may include parish councils in this regulation but so far has not done so.

Reports to the F&GP Committee are by far the most time consuming and difficult to do as the SCRIBE report is not in the format that members of the committee want. Currently the Chairman undertakes this work.

One issue that was not included in the original review but which members should be notified of is the time that it takes to type up a BACS authorisation letter. Once the payments have been scribed then a separate letter to the bank is required. For a normal payment run this can be up to an hour for the salary payment run this can easily be half a day with up to two hours spent producing the BACS letter and audit trail that is required. If the Government changes the law regarding two signatures then the F&GP Committee will be asked to consider if it wants to change the present working format so it is important that the committee is briefed on current operating systems and issues.

**Item 6.1. Governance Statement for the Year ending 31<sup>st</sup> March 2015** *Purpose of item: information and decision.*

### **Governance Statement for the Year ending 31 March 2015.**

The system of internal control and audit has been in place at the Council for the year ending 31 March 2015 and up to the date of approval of the annual report and accounts accords with proper practice.

#### **1. SCOPE OF INTERNAL AUDIT.**

Boxley Parish Council (the Council) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is

safeguarded and properly accounted for, and that it is used economically, efficiently and effectively[1].

In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk.

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to

- identify and prioritise the risks to the achievement of the Council's policies, aims and objectives:

- anticipate future changes to legislation, working practices etc. that will impact on the parish council and to identify any changes which require additional risk management and auditing;

- evaluate the likelihood of those risks being realised and the impact should they be realised; and

- manage these risks efficiently, effectively and economically.

### **Risk Assessments / Risk Management:**

The Council carries out regular risk assessments in respect of actions and regularly reviews its systems and controls.

### **Internal Audit:**

The Council has appointed an Independent Internal Auditor who reports to the Council on the adequacy of its:

- records
- procedures
- systems
- internal control
- regulations
- risk management
- reviews

The effectiveness of the internal audit system is reviewed annually.

### **External Audit:**

The Council's External Auditor (with effect from 01.04.2013 LittleJohn LPP) submits an annual Certificate of Audit, which is presented to the Council.

### **The Council:**

The Council has appointed a Chairman who is responsible for the smooth running of meetings and for ensuring that all Council decisions are lawful.

The Council reviews its obligations and objectives and approves budgets for the following year at its January meeting. At this same meeting the Council approves the level of precept for the following financial year.

The Council has appointed a Finance and General Purposes (F&GP) Committee which meets 6 times each year and monitors progress against objectives, financial systems and procedures, budgetary control and carries out regular reviews of financial matters. The Council has delegated some financial and audit powers to the Estates Committee which also meets 6 times per year. The minutes of the meetings of the F&GP Committee and the Estates Committee are received by the Council where an opportunity to comment on them is available.

The full Council meets a minimum of 10 times and Committees 6 or 12 times each year.

The full Council and Committees monitor progress against the aims and objectives, identified by their individual Terms of Reference, at each meeting. Such reviews are supported by briefing papers and reports produced by the parish office, Councillors or Working Groups. The Clerk is responsible for ensuring that decisions or issues which impact on more than one committee are reported as necessary to ensure that all relevant parties are adequately briefed etc.

Individual committees are also responsible for monitoring their specific projects and budgets.

The Council carries out regular reviews of its internal controls (2 x Parish Councillor audits), systems and procedures supported by the audits undertaken by the Independent Internal Auditor.

The Council achieved Quality Status on 27 September 2004 and reaccreditation on 15 December 2008. It was due to apply for further reaccreditation in December 2012 but NALC has instigated a freeze on all applications while undertaking a review of the Quality Status criteria. Transitional arrangements are in place and the Parish Council will retain its Quality Status until three months after the completion of the review.

The Council acquired a General Power of Competence on 1 October 2012.

### **Clerk to the Council / Responsible Financial Officer:**

The Council has appointed a Clerk to the Council who acts as the Council's advisor and administrator. The Clerk is the Council's Responsible Financial Officer and is responsible for administering the Council's finances. The Clerk is responsible for day to day compliance with relevant laws and regulations and for managing risks. The Clerk also ensures that the Council's procedures, control systems and policies are adhered to.

### **Payments:**

All payments are reported to the Council for approval. Two Members of the Council must authorise each cheque, Direct Debit, Standing Order or BACS payment after checking the relevant invoice.

## **2. INDEPENDENCE.**

Membership of the F&GP Committee consists of the Chairs and Vice-Chairs of the full Council and each of its committees plus two other councillors. With up to eight members and with all committee agendas being supplied to the 15 members of the Council it is felt that there is sufficient independence in and scrutiny of the work of the F&GP Committee. The F&GP Committee receives the 2 x Independent Internal Audit reports, the 2 x Parish Councillor audit reports and the External Auditor's response to the End of Year Accounts. Reports and recommendations are submitted to the full Parish Council.

Parish Councillor audits are undertaken by different councillors, nominated at a full Council meeting and includes non-members of the F&GP Committee.

The Independent Auditor is independent of the Council, its financial decision making, management and control<sup>[2]</sup>.

Parish councillors are encouraged to question the financial system, payments etc. All Council and committee agendas have an item for members to declare interest, lobbying, dispensations and predetermination; the item also carries a reminder that they must keep their Register of Interests up to date. Members are regularly reminded (April, September and December) that they must not sign blank cheques or authorisation letters that they need to check cheques and authorisations against invoices when signing and that cheque stubs need to be initialled by both signatories.

## **3. COMPETENCE.**

The Clerk/RFO is qualified to Certificate of Higher Education in Local Policy and in September 2012 passed CiLCA's Section 7, General Power of Competence which enabled the Parish Council to pass the relevant resolution to obtain the power. The Internal Auditor is a Fellow Member of the Association of Accounting Technicians.

The Council has a training strategy and a training budget and encourages all members to take advantage of training opportunities.

The F&GP Committee is required (via delegated powers) to undertake monitoring of the Council's income/expenditure and policy and procedures relating to financial issues.

## **4. RELATIONSHIPS.**

The Council works to Standing Orders and Financial Regulations in all financial matters. It has systems and procedures to deal with tenders and issuing of work authorisations/contracts.

The Kent Code of Conduct legislation has been adopted by the Council.  
 Audit checks by the Independent Auditor and Parish Councillors ensure that these standards are maintained and adhered to.  
 The Council aims to work in an open and accountable way and publishes its income, expenditure, budget and audit on its website for public scrutiny.

**Item 6.2. Risk Assessment: Internet Access by members of the Public, using the Parish Councils computers.** *Purpose of item: information and decision.*

**Clerk's note: Do members wish to have the agreed policy on an annual; biennial or a housekeeping review?**

RISK	RISK LEVEL	PROPOSED ACTION
<ul style="list-style-type: none"> <li>• Transmission or deliberate reception of defamatory material.</li> <li>• Transmission of unsolicited advertising material.</li> <li>• Transmission or deliberate reception of racist, sexist, pornographic or generally offensive material.</li> <li>• Any action which jeopardises the integrity of the network or any other user's data.</li> <li>• Personal financial gain or for any illegal purpose.</li> <li>• Transmission or deliberate reception that infringes another person's copyright (this applies to the vast majority of digital music and video files).</li> <li>• Hacking.</li> <li>• Installation of malicious code, Trojans or key loggers</li> </ul>	<p>Medium*</p> <p>Medium*</p> <p>Medium*</p> <p>Medium*</p> <p>Medium*</p> <p>Medium</p> <p>Medium</p>	<p>All users will be supervised and required to sign an Acceptable Use Policy.            Personal use (accessing personal e-mail accounts etc.) will not be allowed.            Data storage on the hard drive will not be allowed.            No portable storage devices will be allowed.</p> <ul style="list-style-type: none"> <li>• If portable storage units are allowed to be used. If not allowed then low.</li> </ul>
Protection of a user's Privacy		Cllr Dengate's views will be sought.

Viruses and Malicious code.	Low	<p>Prior to use by any member of the public a member of the office staff will ensure the latest version of anti-virus software is installed. <i>Clerk's note: it was planned to use the very old laptop and the issue of the anti-virus software will be investigated. The office computers are regularly updated. Cllr Dengate;</i> Suggest Microsoft Essential, it's free but may not be available to version of Windows, alternative will be AGV.</p> <p>Note Windows XP is no longer a supported or maintained operating system.</p> <p>Users are not allowed to store any data, download (without prior permission) any documents or install any software.</p> <p>In most circumstances the public use will be via a spare laptop that is not connected into the office computer network.</p> <p>Cllr Dengate comment How will you get connected to the Internet if not connected to the offices' network</p>
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**Item 6.3 Internet Access by members of the Public, using the Parish Councils computers.** *Purpose of item: information and decision.*

**Clerk's note: Do members wish to have the agreed policy on an annual; biennial or a housekeeping review?**

**Boxley Parish Council.**

Internet Access by members of the Public, using the Parish Councils computers.

"The IT System" is taken to mean all parish council owned computer, software and broadband.

The parish council recognises that government is now really only truly accessible if you have access to a computer. In recognition of the fact that some residents do not it is making available internet access from a parish council owned computer.

The parish council will not normally offer printing services however if a resident considers that they may need a print of a document they should supply their own paper and the Clerk will use her discretion about whether it will be permitted on this occasion.

*Clerk note: Rather than supply their own paper members may consider that it is easier to make a nominal charge such as allowed for Freedom of Information requests. A nominal charge has been avoided in this instance as it would be advertised and potentially put the parish council/office into a difficult position if residents then try to use the office to get photocopies. This would put the parish council into direct competition with any stores offering photocopying services and as the PC is zero rated for VAT purposes force the PC into registering for payment of VAT (a disaster). FofI is different as the legislation covering this specifically allows a parish council to charge for photocopying and p&p. The parish office is asked to be allowed to use common-sense.*

Where possible and if time allows office staff will help residents' access websites etc. if they are inexperienced in the use of computers.

**Acceptable Use Policy**

Acceptable use.



The IT system is being made available for residents of the parish to electronically access local government sites and related organisation in order for them to:

- Report problems, respond to consultations etc.
- Research legislation, planning applications, local authority documents etc.
- Access similar safe sites. *Clerk's notes: we have no way of enforcing this other than verbal instruction however it is a reminder to any user that there is a standard expected.*

Misuse of the IT system

The IT system shall not be used for:

- For accessing or setting up personal e-mail accounts, facebook etc.
- Transmission or deliberate reception of defamatory material.
- Transmission of unsolicited advertising material.
- Transmission or deliberate reception of racist, sexist, pornographic or generally offensive material.
- Any action which jeopardises the integrity of the IT system or any other user's data.
- Financial gain or for any illegal purpose.
- Transmission or deliberate reception that infringes another person's copyright (this applies to the vast majority of digital music and video files).
- Hacking, spamming or installation of key loggers or other entrapment devices.
- Any purpose that may be considered to bring the parish council site or address into disrepute or suggest a particular political, religious or other allegiance.

Misc.

- No data shall be intentionally stored on the local hard drive of the computer.
- Users are not to interfere with the virus protection or anti-malware software installed on the PC.
- Permission to temporary download documents must be sought prior to the activity.
- Users are not permitted to install any software or use mobile storage units. *Clerk's note: A resident who has heard that the service is going to be offered has already asked whether she can download onto a storage unit so that she can, I believe start storing items for when she gets a computer. Parish office could use its common sense, our 'radars' are fairly well developed so if we feel uncomfortable we know to make excuses not to allow this, can we use common-sense?.*
- Prior to any use the user must outline the reason for the use.
- The user must only use the PC that has been assigned to them and must not interfere with any other IT device that the parish council owns unless authorised to do so.

I have read the above and accept compliance with the Acceptable Use Policy.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name (print) \_\_\_\_\_

Starting time \_\_\_\_\_

Finishing time \_\_\_\_\_

**Item 6.4 BPC Policy for staff and councillors. Acceptable use of computer facilities, email and the internet.** *Purpose of item: information and decision.*

**Clerk's note: Do members wish to have the agreed policy on an annual; biennial or a housekeeping review?**

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**BPC Policy for staff and councillors.**

## Acceptable use of computer facilities, email and the internet

### General

- You may make reasonable personal use of computing facilities provided by the Parish Council. Personal use by employees should not interfere with the performance of your duties or cause any damage or difficulty to computers or to IT systems, or any difficulty or distress to others.
- You should use computing facilities in a reasonable manner. You will not install inappropriate software and you should not reconfigure any machine you have access to.
- You will not make substantial use of the Parish Council's facilities for private financial gain or for commercial purposes outside the scope of official duties or functions.

### Internet usage (including e-mail, the Web, chat rooms)

- You may make reasonable use of the Web for other than strictly work purposes provided it does not adversely affect your work and the work of others and has a minimal effect on the Parish Council's resources.
- You may make reasonable use of the Parish Council's facilities for personal e-mails, provided that this does not have more than a minimal impact on resources and does not adversely affect your work or the work of others.
- If an e-mail message is personal, you may wish to make this clear by using the word 'personal' in the subject line, but you are actively encouraged to use systems that are not associated with the council's system.
- When you send e-mail, you should remember the following:
  - i. An e-Mail message is legally equivalent to a letter. e-Mail messages can be defamatory and can and often do form contracts. For these reasons it is important to take the same care composing e-Mail messages as letters.
  - ii. e-Mail messages, like other documents, can be disclosed to the person they are about under the Data Protection Act and in the event of legal proceedings.
  - iii. Messages may be seen by other staff, just as postcards may be seen by postal workers. Moreover, the Parish Council cannot guarantee that communications will not be accessed illicitly.
  - iv. The privacy of any personal e-Mail cannot be guaranteed by the parish council and the content may be disclosed to anyone in authority that has a valid reason to investigate or while carrying out their duties.
  - v. Never put anything in an e-mail or on line you would not be prepared to shout across an open office.

### Security and protection of information

The main points to be aware of in the context of IT System are:

- You should guard confidential material and personal information by the proper use of passwords and other security measures.
- Passwords should be complex (contain alpha, numeric, symbols and be of different case and sufficient characters, eight or more are recommended) and these must not be disclosed.
- Not all computer systems are suitable for the storage of confidential information. Seek advice if you are unsure.
- You can protect highly sensitive material through the use of encryption.
- You must not disclose passwords or other access codes to other persons.

- You must comply with the Data Protection Act, which requires that the Parish Council keeps personal information secure.
- When working with confidential information, you must take care not to leave it inappropriately on screen. You should not leave your computer logged on when unattended, unless it is in a secure location.
- You should observe the same standards of confidentiality for electronically held or generated information as for information held on paper.
- All data that is stored by the parish council must be protected e.g. backups, encryption etc. *Clerk's note: Backups are taken however encryption is not yet part of the office routine it is currently an aspiration rather than practically possible at the moment.*

If you have a concern about the inadequate protection of data, you should inform the Clerk or Parish Council so that any necessary steps can be taken to safeguard the data.

All members of staff have an obligation to protect data and systems by following up-to-date recommendations to avoid damage from viruses and other malicious programs.

#### Misuse of computing facilities

As stated above, the Parish Council permits reasonable personal as well as professional use of computing facilities. You should be careful not to misuse these facilities, for instance by:

- Hacking — attempting to access systems or information without authority, or encouraging others to do so.
- Installation of Trojans or Key loggers to covertly capture sensitive information that may be used illicitly.
- Deliberately accessing Internet material which is contrary either to legislation, Parish Council rules or policies (e.g. equal opportunities) or to commonly accepted standards, or is likely to be offensive to reasonable people. However, accidental access to such sites can take place; if you are concerned that such accidental access has taken place you may wish to report your concerns to an appropriate person.
- E-mail communications which constitute bullying or harassment, as defined in the Parish Council's code of advice and instructions on bullying and harassment.

#### Investigation of misuse and interception

The Parish Council will undertake an investigation of any suspected misuse of computing facilities and this will include accessing all files and e-mails even if they are of a personal nature.

#### Misuse and disciplinary action

The investigating panel<sup>1</sup> should decide in the light of the outcome of an investigation of possible misuse of computing facilities whether disciplinary action is appropriate, and if it is judged appropriate, instigate necessary action in accordance with the relevant disciplinary procedures concerned.

***DECISION/GUIDANCE SOUGHT.*** *Clerk's note: 1. It is suggested that this should be a small panel, the Chair of the PC, the person that is being investigated immediate manager and someone with an understanding of IT systems, these would be the minimum. At some point the PC may also need to consider going outside the Council, perhaps working in partnership with a neighbouring council?*

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<sup>1</sup> The makeup of the panel would be recorded here.

The Investigating Panel should report any misuse to the Finance & General Purposes Committee which will then decide whether disciplinary action should be instigated against a member of staff, making a recommendation to the Parish Council if necessary.

**Item 6.5** Dignity at Work draft policy. *Purpose of item: Decision and guidance.*  
Members' are asked to indicate whether they wish to have an annual or biennial review or whether this is a housekeeping review.  
*Clerk's note:* This policy sits alongside the Grievance and Disciplinary policy and procedure which is subject to a biennial review on an odd year.

**Clerk's note: Do members wish to have the agreed policy on an annual; biennial or a housekeeping review?**

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**Bullying and Harassment Policy<sup>2</sup>**

**1. Purpose and Scope**

1.1 **Statement:** Boxley Parish Council will not tolerate bullying or harassment by, or of, any of its staff, Members, contractors, visitors to the council or members of the public while on council business. The council is committed to the elimination of any form of intimidation of its staff or Members and to respecting the dignity of persons in general and this policy reflects the spirit in which the council intends to undertake all of its business. Copies of this policy shall be issued to all staff as part of their induction and to all Members in their Welcome Pack. It may also share it with contractors, visitors and members of the public. It should be read in conjunction with the council's procedure on Grievance and Disciplinary handling and the Code of Conduct for Members.

**1.2 Definitions**

**Bullying**

*"Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."*

**Harassment**

*"Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment." This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.*

These definitions are derived from the ACAS guidance on the topic. Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.

1.3 **Examples** of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through

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<sup>2</sup> To be used in conjunction with the council's Disciplinary and Grievance Procedure.

written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

**1.4 Penalties:** Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council. If Members are bullying or harassing staff, contractors, fellow councillors or others then a referral through the Code of Conduct Complaints process could be an appropriate measure. If an employee or Member is experiencing bullying or harassment from a third party while engaged on council business, the council will act reasonably in upholding its duty of care. In extreme cases harassment can constitute a criminal offence and the council should consider taking appropriate legal advice, if such a matter arises. The legal position is set out in Annex A.

## **2. Process for dealing with complaints of Bullying and Harassment**

**2.1 Informal approach** – Any employee, contractor, Member or visitor who feels he or she is being bullied or harassed should initially try to resolve the problem informally. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or to an intermediary, that their conduct is unacceptable, offensive or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

### **2.2 Formal approach**

**2.2.1 Employees:** Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally, with the Chairman of the F&GP committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Grievance Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which s/he is complaining.

#### **2.2.2 Others**

If an informal approach to the alleged perpetrator has been unsuccessful at eliminating the problem, anyone other than an employee who feels he or she is being bullied or harassed should raise their complaint with the Clerk to the council, or the Chairman of the council if preferred. The complaint will then be investigated and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Member, officer or employee of the council should use the council's official Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

**2.3 Grievance – Employees only** - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required and the council should contact NALC, an employer's body or ACAS to this effect or the council may offer counselling. The employee will have a right of appeal. At all times the confidentiality of

the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved party. The council is committed not to victimise the aggrieved for raising the complaint at any time before or after the appropriate dispute resolution process has been concluded.

**2.4 Disciplinary Action** - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary or other action being taken against the perpetrator of the alleged action/behaviour as follows.

2.4.1 For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.

2.4.2 For a **Member** whom the council reasonably believes to have been bullying or harassing another person(s) whilst undertaking council activities the range of sanctions available to the council, are limited and must be reasonable, proportionate and not intended to be punitive. In some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc. may be more appropriate than a penalty. Sanctions may include; admonishment, issuing an apology or giving an undertaking not to repeat the behaviour, removal of opportunities to further harass/bully such as removal from a committee(s) where direct contact with the employee or decision-making about that employee will take place, or removing the right to representation on any outside bodies where there will be contact with the employee who has raised the complaint. A referral under the Code of Conduct to the relevant reviewing body is usually an appropriate step and there may be further disciplinary sanctions available as a result of the Monitoring Officer reviewing the evidence under the Code in place at the time. A referral to the Police under the Protection from Harassment Act 1997 may also be appropriate in the more extreme cases. This list is not exhaustive.

**2.5 False or malicious allegations** of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Code of Conduct Monitoring Officer.

### **3. Responsibilities**

3.1 All staff and Members of the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop. There needs to be agreement about how "robust people management" and "bullying" differ; Effective management of performance will usually include feedback based on objective evidence, delivered on a face to face basis in confidential surroundings. Bullying can occur when individual Members criticise staff without objective evidence or mandate from the council and in environments which are open to the public or other employees or by way of social media comments.

3.3 The council undertakes to ensure that its Members and staff are trained in the processes required by this policy as deemed appropriate.

3.3 A review of the policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

### **Annex A** **The Legal Position**

Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

**Item 6.6 Risk Assessment.** *Purpose of item: information and decision.*

Clerk's Note.

Updates are:

5.4 ADDED Computer public access – acknowledged as being covered by a separate assessment.

7. Title amended and ADDED personal use of e-mail by staff or councillors acknowledged as being covered by a separate assessment.

9. Dove Hill allotment – now acknowledged as Estates issue. Risk assessments going to the August Estates meeting

10. Burial Ground (added) – now acknowledged as Estates issue. Risk assessments going to the August Estates meeting

**2014/15 Boxley Parish Council Risk Assessment - Finance Committee 15 July 2014**

Minute

<b>1. FINANCE</b>			
Ref	Risk	Risk level	Control, safeguards and recommendations
1.1	Loss of cash through theft or fraud.	Low if safeguards followed	If cash is received it is marked as such in the Income list and also in the bank paying in book. Cash of over £200 shall be banked immediately or within 2 working days.
			Clear admin and audit trails required and monitored independently.
			Internal audits sample check receipts against payments, paying in books etc.
			Hall booking uses a unique booking number and there are checks identified to track hall bookings to make fraud more difficult.
			Regular hirers receive monthly invoices, casual hirers receive invoices as necessary. Paperwork shows cheques should be made payable to Beechen Hall. Spot checks are made, via CCTV, on whether the hall is fraudulently let out.
			Electronic payments are accepted into the parish council's accounts.
1.2	Risk of consequential loss of income.	Low if safeguards followed	Due to the parish council's large reserves the insurance cover has to include adequate fidelity insurance as required by Council policy.
			There is an annual check prior to insurance renewal on the level of reserves and expected income to ensure adequate cover is obtained.
			Council has an Investment Strategy that is regularly reviewed
			Only parish councillors are signatory to accounts and are regularly reminded not to sign blank cheques or letter of instructions.



1.3	Payments to fictitious staff, councillors or for fictitious companies etc.	Low	<p>Cheques, Standing Orders, Direct Debits and BACS payments are approved and countersigned by 2 signatories; lists of payments are reported to parish council meetings and attached to the minutes of the meeting as appendix. Invoices accompany cheques or payment authorisations so that they can be scrutinised.</p> <p>Bank mandates to amend or add any signatories to be agreed at meetings.</p> <p>4 x random checks per annum (2 x parish councillor audits and 2 x independent internal auditor).</p> <p>Clear admin and audit trails are maintained.</p>
1.4	Contracts awarded due to influence on councillors or parish office.	Low	<p>Continue to work to the standards and procedure detailed in Standing Orders and Financial Regs.</p> <p>Clearance of job specifications and tenders through Council meetings. Decisions on contracts taken in committee with meetings open to the public.</p>
1.5	Poor management of finances.	Low if safeguards followed	<p>Continue to work to the standards already in place on reviewing and setting budget. Precept derived directly from this.</p> <p>Regular report to the Finance Committee to monitor expenditure against income.</p>
1.6	<b>Additional safeguard/Control</b>		<p>Internal and External Audits. Internal audit regime. Clerk 'books' different councillors for 2 internal checks per year with clear records to show what is checked and by whom. Checklist includes more checks on areas at higher risk of fraud. Checklist clearly states that councillors can increase the number of checks on any item and may question any part of the financial and accounting system. The signed audit report has to be given to the F&amp;GP Committee after each internal audit and kept for an audit trail. Copy of last internal audit to be given in advance to the participating councillor prior to undertaking the next internal audit.</p> <p>Bank Statements are reconciled on a monthly basis (cheque accounts) and as received for Investment Bonds. The F&amp;GP Committee 'signs off' these checks every 2 months at its meeting.</p> <p>Adequate training for staff and councillors.</p> <p>Councillors have a responsibility to manage the financial system and must investigate/highlight any concerns that they have.</p> <p>The Council has and annually reviews Financial Regulations by which the Council and RFO abide. In the event of any emergency situation or deviation from the regulations there is dialogue between the RFO and Chairman/councillors as necessary and the decision is ratified at the next meeting.</p>

	Protection of records. regular backup of computers is provided with the hard drive locked into a fire proof unit overnight. A copy of especially sensitive information (parish minutes, financial back up etc.) is undertaken and kept off site. A restoration of information will be organised to ensure that the back-up system is working.
	An independent Internal Auditor has been appointed as required by regulations.
	Minimum Standards check. A checklist of minimum standards (based on an insurance company checklist) is undertaken quarterly by the Chairman or a Councillor. Computer passwords are changed quarterly and on the resignation of office staff. The insurance requirements for resigning staff and recruiting staff are followed.
	Risk assessments are to include details of any warranties and guarantees and the date that they expire. The parish office is to keep track of when any contracts are due to expire to allow a timely review.
	Stock. Less than £1,000 of stock is kept at hall. 5/6 main stock orders per annum. Clerk submits from list supplied by hall staff.

## 2. INSURANCE

Ref	Risk	Risk level.	Control, safeguards and recommendations
2.1	Inadequate insurance cover. Risk to third party, property or individuals.	Low risk if identified procedures are followed	Annual review of insurance and cover undertaken by the RFO and reported to the F&GP Committee. Asset lists and inventories are maintained. Items added as required and inventory lists kept up to date. Policy must be maintained and updated as necessary.
			Parish property covered by insurance and the risk of damage to third party property or individuals is covered by public liability.
			Beechen Hall - Cover for loss of income to hall to be amended to keep pace with any changes. Estates Committee also monitor needs for hall.
			Fidelity and Loss of Income Insurance cover to be reviewed annually and increased/decreased as per council policy.
			Written records must be kept.

## 3. ASSETS

Ref	Risk	Risk level.	Control, safeguards and recommendations
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3.1	Protection of physical assets.	Low risk if followed	Buildings insured and adequately maintained. Regular safety and maintenance checks and written records kept. Risk assessment records to be produced on all property with (at a minimum) an annual review undertaken.
3.2	Protection of Beechen Hall.	Low risk if followed	Beechen Hall has a safety/maintenance schedule for regular checks etc. Buildings insured and adequately maintained. Regular safety and maintenance checks and written records kept.
	Risk assessments undertaken by Estates Committee		Risk assessment to be produced for fire, drink etc. and (at a minimum) an annual review undertaken.
			CCTV/Alarm installed at the hall.
<b>4. LEGAL POWERS</b>			
Ref	Risk	Risk level.	Control, safeguards and recommendations
4.1	General Power of Competency	Low risk if followed	The parish council has obtained General Power of Competence; as this power can be 'lost' 4.2 will continue to be maintained. GPC does not remove the need for the parish council to consider risks and restrictions of any new service or project.
4.2	Unprofessional actions and accusations of acting ultra vires.	Low risk if followed	To ensure activities are within legal powers the annual budget includes what powers are being used to allow the expenditure. Agenda includes powers if a new scheme is being considered.
<b>5. RISK ASSESSMENT AND DOCUMENT MANAGEMENT/SECURITY</b>			
Ref	Risk	Risk level.	Control, safeguards and recommendations
5.1	Lack of risk assessment introduces possibility of poor management, dishonestly and claims against the council.	Low risk if followed	Annual risk assessment review is undertaken. Any risk or safety problem to be reported to members to review. Councillors have a responsibility to ensure that adequate risk assessment procedures exist and that the planned reviews (as notified in Jan/Feb each year) take place. An annual review of the system of internal audit and statement of internal control as required by the Audit and Accounts Regulations takes place. Policies and procedures for expenditure etc. are regularly reviewed by the council and updated as necessary.
5.2	Poor document management results in an inefficient, ineffective council and possibility of mismanagement.	Low risk if followed	Check of systems is part of the internal and external audit. Leases and official documents are kept at Whitehead and Monckton (Solicitors). Other important documents are kept in the fire proof cabinet in the office. Copy of insurance is kept off site. The Council has a document management retention policy.

5.3	Documents being removed/copied (physically and electronically).	Low/acceptable risk if followed	<p>Parish office and Beechen Hall security to be maintained which will stop easy access to the document storage areas. Staff briefed on the need to keep secure any memory sticks being used to transport or back up information. Only the office personnel have password access to computers and authorised to download information onto a memory stick. Care is taken to ensure that any information coming into the office is either e-mailed (for checking by the internet security) or when this is not possible that it is from a clean and trusted 'site'. Apart from its e-mail account and access by one trusted councillor who is advising on the IT the Council does not allow any other remote access to its computer, any changes to this situation will need to be approved by the Council and will only be allowed from a reputable firm. The Council's computers are kept secure by licensed software Norton Security which has the relevant firewalls, automatic updates and virus protection. At night and for any long periods during the day when no personnel are in the office the computers are turned off. Sensitive paper documents (including cheque books and statements) are kept in locked cabinets.</p> <p>Office personnel are responsible for the security of any documents taken off site.</p>
5.4	Computer security	Low/acceptable risk if followed	<p>A continuing review of computer security by Cllr Dengate and the office is undertaken and recommendations will be followed.</p> <p>Use of computer to send/receive personal e-mails etc. subject to a separate risk management document.</p> <p>Public access to office computers is subject to a separate risk management document.</p>
<b>6. USE OF OTHER SITES, SITE VISITS ETC.</b>			
Ref	Risk	Risk level.	Control, safeguards and recommendations
6.1	Accidents to participants	Low to medium	<p>Present regime. Clerk/Asst Clerk undertakes a visual health and safety check of all venues booked for meetings to ensure that fire exits are clear and any equipment to be used is safe.</p> <p>When arranging site visits the parish office will advise councillors/attendees of any potential risks and also advise on relevant footwear and clothing that would be required. High visibility tunics will also, if required, be made available. Parish office to advise any councillor with mobility problems of any concerns about including them on site visits and if necessary will request that they do not attend.</p>

6.2	Work undertaken by volunteers (delivery of Downs Mail, Walderslade Woods Group)	Low to medium	Additional risk assessments will be undertaken/produced as required. Walderslade Woods Group has its own insurance for task days however the parish council owns the tools and unit used by WWG and they are located on its property it still has H&S responsibility when the group access them. WWG are required to undertake maintenance of the powered and hand tools and are required to notify the Clerk of these checks. WWG has its own Public Liability Insurance. The parish council is currently working in partnership with the Mid Kent Downs Countryside Partnership and a volunteer group (The Friends of Boxley Warren) are currently covered by the parish council's insurance. Health and Safety and risk assessments are undertaken by authorised personnel prior to any work.
<b>7. COUNCILLOR PROPRIETY AND COUNCIL REPUTATION</b>			
Ref	Risk	Risk level.	Control, safeguards and recommendations
7.1	Unprofessional actions and Parish Council bought into disrepute.	Low risk if followed	Register of interest completed and members are reminded to keep it up to date. Meeting agenda has an item for the notification of declaration of interest, lobbying, predetermination and dispensation. Adequate training and understanding of Code of Conduct. Councillors holding allotment tenancies have been given dispensation for items on the Estates Committee.  Correct agenda and reports produced, informed decisions taken by Councillors, adequate policies and procedures produced and kept updated, open and accountable governance with regular reviews and training of councillors and office staff.
<b>8. WEAVERING DIAMOND JUBILEE ORCHARD.</b>			
8.1	General site - H&S	Low risk if followed	The Estates Committee has assumed responsibility of the site and will produce a cleaning and maintenance schedule.
8.2	Play area	Low risk if followed	The Estates Committee has assumed responsibility of the site and will produce a safety, cleaning and maintenance schedule. An annual ROSPA inspection will occur.
<b>9. Dove Hill Allotments</b>			
9.1	General site - H&S	Low risk if followed	Risk assessments undertaken by Estates Committee. An Allotment Working Group has been set up for day to day monitoring of the site.

<b>10. Boxley Burial Ground</b>			
10	General site - H&S	Low risk if followed	Risk assessment undertaken by Estates Committee.

**Item 6.7** Complaints form. *Purpose of item: Decision and guidance.*

*Clerk's note:* This policy sits alongside the Complaint's policy and procedure and will be added to the programmed review for these documents.

*Text boxes have been reduced to save space.*

**Complaints Form.**

The parish council is sorry that you feel that there is an issue that you need to complain about. In order to progress your complaint it would help if the following form could be completed and submitted (by e-mail or post) to Boxley Parish Council, Beechen Hall, Wildfell Close, Chatham, Kent ME5 9RU. Clerk@boxleyparishcouncil.org.uk.

The parish council's complaint's procedure and deadlines for response are available from the website or office.

The parish council will endeavour to answer or resolve your complaint as soon as possible.

Date

  

Full name

Address

Telephone number

E-mail address

Please provide us with details of your complaint.

Ideally what would you like us to do about it?

Have you contacted us before? Yes/No

If yes who did you speak to?

**Item 6. 8 Annual competency review/statement.** *Purpose of report:* Information/consideration.

The Clerk is tasked with undertaking an audit of the working of the parish council's committees and councillors are also encouraged to take a few moments to reflect on the previous work of their committee. The purpose of the audit is to highlight any strengths, good working practices, weaknesses and/or poor working practices with an aim to improve the procedures and the way the committee works.

Clerk's report: Generally the committee works well with decisions made in good time to meet deadlines etc. Where weaknesses, and it is acknowledged that some of these are nit picking, are identified action points have been suggested.

Strengths:

- Procedures' and working practices are fit for purpose and generally have adequate in-built flexibility to allow work to progress.
- Councillors are respectful of each other and of their colleagues' views.
- This is a very complicated committee due to its two monthly meetings and the range and depth of issues it is responsible for. The balance and commitment of its members is what makes it work.

Weakness:

- The fact that it only meets every two months means that a number of issues will always have to be finished outside of a meeting. To ensure the committee meets its open and accountable remit this way of decision making should be kept to an absolute minimum. **Action: It is essential that members do not bring queries to meetings without first notifying the office and giving time for investigations etc. It would help if members could prepare for the meeting immediately they receive the agenda. Advance planning for projects is needed and the Clerk and Asst Clerk will play an important part in this work however it also requires the support of members.**
- Request for action or investigations which requires input from councillors. Occasionally confusion occurs when either the office or councillors do not understand or complete the action that has been set for them. Between meetings councillors may forget that they are supposed to be coming to the next meeting with some information. **Action: The draft minutes show action points and these are placed on the website but not issued to councillors until the parish council meeting at the same meeting the agenda for the next committee meeting is given out. Members' views are sought on what the office can do to remind them that a response is received in time for an agenda, for example would an action e-mail summary to committee members help.**
- Sometimes, with all due respect, members stray from the item being discussed and this can adversely impact on the efficiency of the meeting. Councillors and prospective councillors may be put off serving on a council by constant late finishing times and whilst a social and relaxed atmosphere often oils the workings of the committee it occasionally needs controlling. **Action: Councillors and Chairman to keep an eye on the time and consider the relevance of any anecdote.**

Clerk's comment: Committee chairmen are encouraged to pass on suggestions, be they from themselves or from members, about how the office support and service to their committee may be improved or enhanced.