



Wallingford Town Council

Dignity at Work Policy

including Member/Officer protocol, confidential reporting (whistleblowing), bullying and harassment and discrimination.

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Wallingford Town Council

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1.0 MEMBER/OFFICER PROTOCOL

1.1 Introduction

1.1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.

1.1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.

1.1.3 This Protocol is a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

- 1.1.4 Members and Officers must observe this protocol and respect the roles and duties of each other.
- 1.1.5 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands very high standards of personal conduct.
- 1.1.6 It is important that mutual respect is shown between Members and Officers in any dealings, that reasonable standards of courtesy are observed, and that neither party should seek to take unfair advantage of their position.
- 1.1.7 Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 1.1.8 The Council has adopted formal codes of conduct for Members. They are intended to offer guidance to Members on the proper conduct of their role. Such is the importance of maintaining the integrity of the Council that penalties may be imposed for breaches of the code – censure, suspension or disqualification in the case of Members, disciplinary action in the case of Officers.

1.2 Roles of Members

- 1.2.1 Members have a number of roles. Collectively, they are the ultimate policymakers. They are the elected by the people of the Town, represent the interests of their wards and of individual constituents and act as advocates for their communities.
- 1.2.2 All Members may have roles as members of Committees, Sub-Committees and Working Parties of the Council.
- 1.2.3 The Council's Committees and Sub-Committees have delegated responsibilities and may determine matters within their terms of reference. Implementation of decisions is the responsibility of Officers.
- 1.2.4 Members are not authorised to instruct Officers other than through the formal decision-making process. Overall management of staff is a matter for the Clerk and not of Members.
- 1.2.5 Members are not authorised to initiate or certify financial transactions or enter into contracts on behalf of the Council.
- 1.2.6 Under the Members' Code of Conduct Members have a duty to promote equality by not discriminating unlawfully against any person, and an obligation to treat others with respect.
- 1.2.7 Furthermore, Members in their capacity as Councillors or in any other capacity must not bring the Council or their position as Members into disrepute and they must not use their position improperly to gain an advantage or disadvantage for themselves or any other person.

1.3 Roles of Officers

- 1.3.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles.

1.3.2 Under the direction and control of the Council, Officers manage and provide the Council's services within the framework of responsibilities delegated to them, which include the effective management of employees and operational issues.

1.3.3 Officers have a duty to implement decisions of the Council, its Committees and Sub-Committees, which are lawful and have been properly approved and documented in accordance the requirements of statute and of the Council's Standing Orders.

1.4 Relationship Between Members and Officers

1.4.1 There are two key elements: mutual respect and recognition of each other's roles and responsibilities.

1.4.2 It is important that Members and Officers conduct their Council business in a proper and professional way calculated to inspire public confidence and trust. Personal, family or business connections may compromise or may be regarded as influencing that objective. Relationships giving rise to interests must be declared in the usual manner and managed in accordance with the Members' Code of Conduct.

1.4.3 Members and Officers should avoid improper conduct.

1.4.4 Officers serve the Council as a whole. The Clerk has a duty to implement the properly authorised decisions of the Council and its Committees and Sub-Committees.

1.4.5 Other Officers work to the instructions of the Clerk, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by the Clerk. Members should approach the Clerk in the first instance with respect to controversial or corporate issues.

1.4.6 Officers should not have unreasonable requests placed on them through the Council or its Committees. Work priorities are set and managed by the Clerk. Members must not disrupt Officers' work by imposing their own priorities on Officers.

1.4.7 Officers have a contractual and legal duty to be impartial in their working relationships with Members. Members must not do anything which compromises or is likely to compromise the impartiality of Officers.

1.4.8 When reaching decisions, Members have a duty under the Code of Conduct to have regard to any relevant advice of the Clerk.

1.4.9 Where an Officer feels that he or she has not been properly treated with respect and courtesy by a Member, he or she should raise the matter with the Clerk, especially if he or she does not feel able to discuss it directly with the Member concerned. In these circumstances the Clerk will take appropriate action either by approaching the individual Member and/or the Chairman of the Council or by referring the matter to the Monitoring Officer.

1.4.10 During formal meetings of the Council and other bodies when the Press and/or the public are present, members should be addressed, in the case of the Chairman as “Chairman” or, in the case of other Members by name, e.g., “Councillor John Smith”. Officers should be addressed either by their title, e.g., “the Clerk”, or by name, e.g. “Mr John Smith”.

1.5 Chairmen and Members of Committees and Officers

1.5.1 Members of a Committee or Sub-Committee will take decisions within the remit of the relevant Committee or Sub-Committee and will not otherwise instruct staff to act.

1.5.2 At some Committee or Sub-Committee meetings, a resolution may be passed which authorises the Clerk to take action between meetings in consultation with the Chairman. In these circumstances, it is the Officer, not the Chairman, who takes the action and is responsible for it.

2.0 CONFIDENTIAL REPORTING (WHISTLEBLOWING)

2.1 Introduction

2.1.1 Wallingford Town Council is committed to the highest standards of openness and expects employees to come forward and voice concerns where applicable. This policy covers major concerns that fall outside the scope of other policies and procedures. It applies to concerns relating to other staff members and/or Councillors. Concerns relating to Councillors may be better dealt with under the provisions of the Code of Conduct.

2.1.2 All concerns raised will be treated in the strictest confidence and the identity of the staff member will not be revealed without prior agreement. Staff members will not be penalised, disciplined, or shown other unfavourable treatment for raising a legitimate non-malicious concern under this policy.

2.1.3 This policy is informed by the *Public Interest Disclosure Act 1998* and the *Employment Rights Act 1996* which provide specific rights for employees who disclose information about alleged wrongdoings in certain specific circumstances.

2.2 Purpose of Policy

2.2.1 This policy aims to:

- a) encourage staff members to feel confident to make a disclosure of concerns;
- b) provide appropriate avenues for these concerns to be raised by staff members;
- c) reassure staff members that they will be protected from being penalised or suffering detriment for making a disclosure.

2.3 Concerns Covered by This Policy

2.3.1 This policy covers any serious concerns about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council.

2.3.2 Concerns that fall within this policy include, but are not limited to;

- a) where a criminal offence has been committed, is being committed or is likely to be committed;
- b) where a person has failed, is failing or is likely to fail to comply with any legal obligations; and
- c) health and safety risks, including risks to the public where misleading or incorrect information is knowingly provided to the Council as part of its decision-making process.

2.3.3 It is important that this confidential reporting policy is not used by staff members to raise concerns over their employment conditions, as the Employee Grievance and Disciplinary Procedures is intended to address these issues. This policy is also not to be used by staff members as a mechanism for challenging decisions, practices and policies with which staff members disagree.

2.4 How to Raise a Concern

2.4.1 The Council has a policies which may be a better mechanism for raising concerns, dependant on the nature of the concern. Before raising a concern under this policy, staff members should refer to:

- a) Complaints Procedure
- b) Employee Grievance and Disciplinary Procedures
- c) Code of Conduct

2.4.2 If this is the most suitable mechanism for reporting, concerns should be raised, either orally or in writing, to the line manager. The most senior employee should raise any concern with the Council Chairman, or Vice-Chairman if the concern relates to the Chairman.

2.4.3 The concern should detail as much background information and history as possible, including dates, times and the nature of the concern. While the staff member is not expected to prove beyond doubt the allegation, they are expected to be able to demonstrate that the disclosure is being made in good faith and with no malicious intent.

2.5 How the Council will respond

2.5.1 The Council will investigate any concern raised under this policy. The nature of any investigation will be determined at the discretion of the individual to whom the concern was reported and may include referral to an alternate source such as an auditor. A decision may be made to use one of the alternate Council policies to follow through the investigation.

2.5.2 The identity of the staff member raising the concern will be kept confidential throughout, unless agreed by the staff member.

2.5.3 The individual will be informed of how the Council intends to pursue the concern, or if the Council has decided the concern is unfounded.

2.5.4 Should it become necessary during any investigation to meet with the staff member raising the concern, every effort will be made to arrange this at a time and location to protect the identity of the staff member.

2.5.5 The Council will take steps to minimise any difficulties which a staff member may experience as a result of raising, or being suspected of raising a concern, and if a staff member is required to give evidence at any criminal or disciplinary hearing the Council will offer support.

2.6 Malicious Allegations

2.6.1 The Council is committed to the highest standards of openness and expects employees to come forward and voice concerns where applicable.

2.6.2 However, the Council will not tolerate deliberately misleading, malicious, or substantially untrue allegations made by any staff member under the guidance of this policy.

- 2.6.3 Any staff member found to have made a deliberately misleading, malicious, or substantially untrue allegation will be subject to the Council's disciplinary policy.

3.0 BULLYING AND HARASSMENT AT WORK

3.1 Introduction

- 3.1.1 Wallingford Town Council considers bullying and harassment unacceptable and will take all necessary steps to eliminate such behaviour. The Council has a legal duty to ensure that employees are not exposed to any unnecessary risks associated with this behaviour.
- 3.1.2 Following changes to the Sex Discrimination Act in April 2008, the Council is duty bound to protect its employees from sexual harassment from customers and members of the public. Employees will be entitled to claim damages if the Council fails to take reasonable steps to protect them after being made aware of any incidents.
- 3.1.3 The Council has a duty of care towards all employees and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.

3.2. Procedures

- 3.2.1 Employees may experience bullying and harassment by members of the public. This behaviour can be either:
- a) Verbal
 - i. Via the telephone;
 - ii. Face to face with the member(s) of the public;
 - iii. Written correspondence;
 - iv. Via email or cyberstalking;
 - v. Includes psychological/emotional abuse.
 - b) Physical
 - i. Assaults or violence, or the threat of assault or violence towards the staff member;
 - ii. Damage to the staff members property;
 - iii. Inappropriate sexual behaviour.
- 3.2.2 In the first instance, all incidents must be reported to the employee's line manager. In the case of the most senior employee, all incidents must be reported to the Chair of the Council. A comprehensive note of the incident must be made. Details should include:
- a) date;
 - b) time;
 - c) type of incident;
 - d) details of incident.
 - e) if known, the name and address of the member of the public involved, and the names and addresses of any witnesses to the incident.
- 3.2.3 If the incident relates to correspondence received, either written or electronic, the correspondence should be retained as evidence and no response should be made.

- 3.2.4 If the incident relates to a telephone call which is recorded, or where a message has been left on an answering service, the message should be retained as evidence and no response should be made.
- 3.2.5 Upon receipt of a reported incident, the line manager or Chair of the Council must determine if the incident is severe enough to report to the police. In the case of physical assaults or violence, all incidents will be reported to the police.

3.3 Sanctions

- 3.3.1 If the line manager or Chair of the Council considers an incident serious enough to report to the police, the Council will take advice from the police with regard to any appropriate sanction.
- 3.3.2 If the line manager or Chair of the Council does not consider an incident serious enough to report to the police, they may decide to attempt to resolve the problem directly with the member of the public, with the aim to receive an apology and guarantee of no future repeat of the behaviour which gave rise to the incident.
- 3.3.3 If it is proposed that a member of the public has bullied a staff member, the Council reserves the right to impose sanctions against that member of the public, including:
- a) Blocking the member of the public's email address and accepting no further emails;
 - b) Reporting emails to the member of the public's Internet Service Provider (ISP);
 - c) Banning the member of the public from the Council offices or other Council owned buildings.

3.4 Incidents Involving Councillors

- 3.4.1 Wallingford Town Council considers bullying and harassment of employees by Councillors equally unacceptable. Incidents of this nature are set out under the Code of Conduct.

4.0 Discrimination of staff and/or councillors (The equality Act 2010)

To discriminate against someone means to treat them less favourably, to harass or victimise them or to subject them to a provision, criterion or practice which puts them at a disadvantage. It is unlawful to discriminate against an individual on the grounds of the following,

- protected characteristics' (as defined in the Act):
- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership

EMPLOYEES All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally.

All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the council.

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.

The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing Society as a whole.

Breaches of the Council's Equal Opportunities Policy will be regarded as serious misconduct and could lead to disciplinary proceedings.

Employees are entitled to complain about discrimination or harassment or victimisation through the council's Discipline and Grievance Procedure.

Wallingford Town Council will not tolerate discrimination of any kind.