

FARLAM PARISH COUNCIL

Policy Documents (Part 1)

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FARLAM PARISH COUNCIL

Complaints Procedure



INTRODUCTION

Complaints about an employee of the council (i.e. the clerk) should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Complaints about a councillor are now subject to the jurisdiction of the Standards Board. Complainants should be advised to contact the Monitoring Officer, Carlisle City Council for further information.

The code of practice within this guidance is therefore aimed at those situations where a complaint has been made about the administration of the council or about its procedures. It is not really an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

Under the Local Government Act 2000, the standards committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of the parish town or community council. Whilst this does not necessarily affect complaints about maladministration and procedure, the local council may consider it good practice to notify the standards committee that a local code for such complaints has been adopted. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council (through the Clerk or Chairman) in advance of the meeting at which the item concerned is to be discussed. There is also the opportunity to raise your concerns in the public participation section of Parish Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the clerk or chairman.

The clerk represents the position of the council at the meeting. If the clerk is putting forward the justification for the action or procedure complained of, he or she should not advise the council or committee.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

CODE OF PRACTICE

Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk. The address and number is set out below.
2. If the complainant does not wish to put the complaint to the clerk, they may be advised to put it to the chairman of the council. The address and number is set out below.
3. The clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 7 clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Meeting

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. Chairman to introduce everyone.
8. Chairman to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, clerk to explain the council's position.
12. Members to ask any question of the clerk.
13. Clerk and complainant to be offered opportunity of last word (in this order).
14. Clerk and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
15. Clerk and complainant return to hear decision, or to be advised when decision will be made.

After the Meeting

16. Decision confirmed in writing within seven working days together with details of any action to be taken.

Contact Details

CLERK – Farlam Parish Council, Unit 2, The Old Brewery, Craw Hall, Brampton, Cumbria
CA8 1TR
Tel: 016977 3382
Email: farlampc@hotmail.co.uk

This policy was adopted on 16th May 2018

Farlam Parish Council

Freedom of Information Policy

Introduction

The model publication scheme was prepared by the Information Commissioner. It has been adopted by the Parish Council and does not require further approval, being valid until further notice.

The publication scheme commits the Parish Council to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, if and where this information is held by the Council.

The Scheme commits the Council to: -

- Proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Council and falls within the classifications below.
- Specify the information which is held by the Council and falls within the classifications below.
- Proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- Produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- Review and update on a regular basis the information the Council makes available under this scheme.
- Produce a schedule of any fees charged for access to information which is made proactively available.
- Make this publication scheme available to the public.

Classes of Information

Who we are and what we do - Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it - Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing - Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions - Policy proposals and decisions. The decision making processes, internal criteria and procedures, consultations.

Our policies and procedures – The current written policies and procedures for delivering our functions and responsibilities.

Lists and Registers - Information held in registers required by law and other lists and registers relating to the functions of the Council.

The Services we Offer - Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The Classes of Information will NOT generally include: -

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The Method by which Information Published under this Scheme will be Made Available

1. The Parish Council will indicate clearly to the public what information is covered by this scheme and how it can be obtained.
2. Information will be provided on the Parish Council's website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the Parish Council will indicate how information can be obtained by other means and provide it by those means.
3. In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
4. Information will be provided in the language in which it is held or in such other language that is legally required. If the Parish Council is legally required to translate any information, it will do so.
5. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.
6. Charges which may be made for Information are published under this scheme.
7. The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the Parish Council for routinely published material will be justified, transparent and kept to a minimum.
8. Material which is published and accessed on a website will be provided free of charge.
9. Charges will be made for information subject to a charging regime specified by Parliament.
10. Charges will be made for actual disbursements incurred such as: - Photocopying, Postage and Packaging and the costs directly incurred as a result of viewing information, or as a result of preparing information in a non-standard format or a different format to that held by the Parish Council.
11. Charges will also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.
12. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

Written Requests

Information held by the Parish Council that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

FARLAM PARISH COUNCIL

HEALTH & SAFETY POLICY

1. GENERAL STATEMENT OF POLICY

- 1.1 Our policy is to provide and maintain safe and healthy working conditions, equipment and systems of work for all our employees, and to provide such information, instruction, training and supervision as they need for this purpose.
- 1.2 The allocation of duties for safety matters and the particular arrangements which we will make to implement the policy are set out below.
- 1.3 The policy will be kept up to date, particularly as the Council's activities change in nature and size. To ensure this, the policy and the way in which it has operated will be reviewed every year by the Council. Although risk assessment is a continuing process, it shall be part of the annual review.

2. RESPONSIBILITIES

- 2.1 Overall and final responsibility for health and safety in the Council and for compliance With the Health and Safety at Work etc. Act and Regulations made under the Act and the Occupiers Liability Act is that of Irthington Parish Council. The Clerk is responsible for this policy being carried out at all the Council's premises.
- 2.2 All employees have the responsibility to co-operate with the Clerk and Councillors to achieve a healthy and safe workplace and to take reasonable care of themselves and others.
- 2.3 Whenever an employee, supervisor or manager notices a health or safety problem which they are not able to put right, they must tell the appropriate person named above.
- 2.4 Consultation between management and employees is provided by immediate day to day discussion with the Clerk.
- 2.5 The Accident Record Book is kept with the Clerk.

3. FIRST AID

- 3.1 First Aid boxes are located as follows:

Box 1: Parish Council Office

- 3.2 Appointed persons responsible for boxes are:

The Clerk

4. FIRE SAFETY

- 4.1 The responsibility for maintenance of fire extinguishers at the parish council office lies with Brampton Rural Housing Society.

5. TRAINING

- 5.1 The Clerk has overall responsibility for training.

6. GENERAL ADVICE

6.1 General advice to all employees is attached as Annex 2.

7. SPECIFIC POLICIES

7.1 Policies for particular premises and activities are attached as Appendixes:

1. Lifting and Handling.
2. General Advice to Employees.
3. Notice to Contractors.

8. EMPLOYMENT OF CONTRACTORS

8.1 The notes to be given to contractors are attached at Appendix 3.

9. REPORTING AND RECORDING ACCIDENTS

9.1 Accidents shall be reported to the Clerk who will record them in the Accidents Record Book.

10. SMOKING

10.1 Smoking is not allowed in the Parish Council Office.

11. TRAINING

11.1 The Parish Council has overall responsibility for training.

11.2 Employees will be provided with specialist training relating to their duties.

11.3 Training records are kept by the Clerk in staff records.

11.4 Training will be identified and monitored by the Parish Council. The Clerk will arrange any necessary training.

11. MONITORING

12.1 The Clerk is responsible for investigating any accidents and reporting them to the Parish Council.

12.2 The Clerk is responsible for investigating work-related causes of sickness absences and reporting them to the Parish Council.

12.3 The Parish Council is responsible for acting on investigation findings to prevent a recurrence and reviewing the relevant risk assessment(s).

Approved and Adopted at the Parish Council meeting held on.....

NOTE

Electricity at Work Regulations 1989
The Management of Health & Safety At Work Regulations 1999
Manual Handling Operations Regulations 1992
The Personal Protective Equipment At Work Regulations 1992
The Health & Safety (Display Screen Equipment) Regulations 1992
The Provision and Use of Work Equipment Regulations 1998
The Workplace (Health, Safety & Welfare) Regulations 1992
The Control of Substances Hazardous to Health (COSHH) Regulations 2002
The Fire Precautions (Workplace) Regulations 1997, as amended 1999
The Health & Safety (Young Persons) Regulations 1997

LIFTING AND HANDLING

1. The 1992 Regulations apply to lifting, pushing, pulling, carrying and moving by hand or by bodily force. More work injuries are caused through "handling goods" than any other single action.

Manual lifting is included in this and an incorrect technique can cause:

Hernia (or rupture), torn back muscles, "slipped disc", cuts, bruises, crush injuries to fingers, hands and forearms, crush injuries to toes, cuts and bruises to the legs and feet.

2. The following basic rules are produced to help reduce these accidents:

Never attempt to lift anything beyond your capacity. If in doubt get a second person or others to help.

If mechanical aids are provided, use them.

If an object is to be lifted manually:

- a) Bend the knees and crouch to the object.
- b) Get a firm grip using the whole hand and not the finger tips.
- c) Keep the back straight.
- d) Tuck the chin in.
- e) Position the feet so that one is behind the other alongside the object, pointing in the direction of movement after lifting.
- f) Push off with the rear foot. Straighten the legs and raising the object, move off in required direction in one smooth movement.
- g) Avoid pinching fingers when releasing object.
- h) When lifting is done by two or more persons one should be appointed leader to ensure movements are co-ordinated.
- i) Protect your toes with safety footwear.
- j) Wear protective gloves when handling objects with sharp or jagged edges.

GENERAL ADVICE TO ALL EMPLOYEES

1. TIDINESS

Keep floors, passages etc. clear of stores, packages and litter. Put waste paper in the bin. Do not throw broken glass, razor blades or other dangerous items loose in the waste bin. Dispose of these with care and ask for advice from your Supervisor if in doubt.

2. FALLS AND COLLISIONS

Walk, do not run. Look where you are going.
Use care in opening doors outward.
Take care on stairs and use the handrail.
Mop up spills of liquid, do not leave it to someone else.
Do not climb on chairs, window sills to reach shelves or to open windows.
Use a step-ladder.

3. FIRE PRECAUTIONS

READ AND UNDERSTAND FIRE PRECAUTION NOTICES

Ensure that you know the lay-out of the fire exits and emergency routes. Report or remove where possible any obstruction of fire exits and passages. Keep cloths and towels away from heaters and convectors etc.

Do not stand close to an electric fire, if use permitted, nor stand them near to anything that will burn.

4. HORSEPLAY

Avoid horseplay, sky larking, practical jokes, it can be dangerous.

NOTICE TO CONTRACTORS

For Farlam Parish Council to comply with Health and Safety Legislation, all outside contractors employed to do work on Parish Council premises are to be made aware of the expected requirements related to health and safety. A contractor accepting a contract from the Parish Council shall be deemed to have agreed to comply with the following requirements:

1. As a contractor, you will supply and ensure that your employees wear and use protective equipment or anything provided in the interest of health, safety or welfare of any of the relevant statutory provisions.
2. You and your employees will ensure that all equipment, plant machinery and apparatus brought onto or used on the Parish Council premises are safe and without risk to health, and are maintained to a standard that will not constitute an offence under the Act or any of the relevant statutory provisions.
3. You and your employees will conform, in all respects, to your legal duties and responsibilities as laid down by the Health and Safety at Work Act 1974, and relevant statutory provisions.
4. The Parish Council will retain the right to stop any operation, plant or equipment, or the Action of any of your employees if it is considered that there is a hazard to the safety and health of employees or others. The Parish Council will not accept any responsibility for any increased costs arising out of such action.
5. In the event of the Parish Council taking this action, your site representative will be notified verbally and will have confirmation in writing by the Parish Council's representative to order such a stoppage.
6. The Parish Council will be indemnified by you or your insurers in respect of any claims, costs or expenses arising out of any incidents on Council premises involving you or your employees.
7. The Parish Council may notify an inspector, appointed under the Authority of the Act, of any breach of the Regulations.

FARLAM PARISH COUNCIL

EQUAL OPPORTUNITIES POLICY

INTRODUCTION

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). We oppose all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimization or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

SCOPE

All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. 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.

OUR COMMITMENT

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 our 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 victimization through the council's Grievance procedure.

This policy is fully supported by all Members of the council and adopts the model contract as devised by the employee professional body in the local government sector (the Society of Local Council Clerks).

The policy will be monitored and reviewed annually. Other policies will be reviewed against the values stated in this main Equal Opportunities policy to ensure that the council strives to remain an Equal Opportunities employer.

THE LAW

The policy will be implemented within the framework of the relevant legislation, which includes:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Gender Reassignment Regulations 1999
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995
- The Protection from Harassment Act 1997
- Inclusive of any/all updates or replacement Acts to the above.

It is unlawful to discriminate against an individual on the following grounds:

- **Age**
- **disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation**

Under the Equality Act 2010 these are known as "protected characteristics".

This policy was adopted on 16th May 2018

FARLAM PARISH COUNCIL

EQUALITY & DIVERSITY POLICY

INTRODUCTION

The aim of this policy is to communicate the commitment of Farlam Parish Council, its Members and Officers to meeting the Public Sector Equality Duty, which came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies, representation and services, which are efficient and effective; accessible to all; and which meet different people's needs.

2. POLICY STATEMENT

It is Farlam Parish Council's policy to provide representation, information, facilities, services and employment to all irrespective of:

- ◆ Gender, including gender reassignment
- ◆ Marital or civil partnership status
- ◆ Having just had a baby or being pregnant
- ◆ Having or not having dependants
- ◆ Religious belief or political opinion
- ◆ Race (including colour, nationality, ethnic or national origins)
- ◆ Disability
- ◆ Sexual orientation
- ◆ Age

Farlam Parish Council is opposed to all forms of unlawful and unfair discrimination. All people and employees will be treated fairly and will not be discriminated against on any of the above grounds. All decisions about will be made objectively and without unlawful discrimination.

Farlam Parish Council recognises that supporting Equality is of primary importance. This policy will help all those who are Council Members or work for the Council to develop sound and effective policies that impact on the village, community and surrounding areas.

Farlam Parish Council aims to create a culture that respects and values each other's' differences, that promotes dignity, equality and diversity. We aim to remove barriers, bias or discrimination that prevent individuals or groups from realizing their potential and contributing fully to the community to develop a culture that positively values diversity.

Farlam Parish Council will challenge discrimination. It aims to provide equality and fairness to all in the community and expects all Members and Officers to be aware and understand the Equality Act 2010.

3. EQUALITY COMMITMENTS

Farlam Parish Council is committed to:

- Promoting equality of opportunity for all persons.
- Promoting a good and harmonious environment in which all persons are treated with respect.
- Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimization.
- Fulfilling our legal obligations under equality legislation and associated codes of practice.
- Complying with our own equal opportunities policy and associated policies.
- Taking lawful affirmative and positive action where appropriate.

4. IMPLEMENTATION

The chairman has specific responsibility for the effective implementation of this policy. In order to implement this policy he or she shall:

- Communicate the policy to Members, the Clerk and members of the public
- Incorporate equal opportunities into general practices
- Ensure that other persons or organisations will comply with the policy in their dealings with the Council

5. MONITORING AND REVIEW

Farlam Parish Council will establish appropriate information and monitoring systems to assist the effective implementation of our equal opportunities policy.

The effectiveness of our equal opportunities policy will be reviewed annually, and action taken as necessary.

In addition to the Council's internal procedures, any person has the right to pursue complaints of discrimination under the Equality Act 2010.

6. THE LAW

The policy will be implemented within the framework of the relevant legislation, which includes:

- Sex Discrimination Act 1975
- Gender Reassignment Regulations 1999
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995
- The Protection from Harassment Act 1997
- Inclusive of any/all updates or replacement Acts to the above.

Approved and adopted at the Parish Council meeting on 16th May 2018

FARLAM PARISH COUNCIL

FRAUD/CORRUPTION DETECTION & PREVENTION

Introduction

This document sets out the Council's framework for preventing and detecting fraud and the procedure for the reporting or investigating of occurrences of fraud.

The Council is committed to promoting a culture of honesty, openness and fairness and will not tolerate fraud.

The Council requires all Members of the Council to conduct themselves in accordance with the Members Code of Conduct. The work of all Members and officers of the Council is also governed by legal requirements, the Financial Regulations, Standing Orders and other relevant policies of the Council e.g. Data Protection Policy etc. This Policy applies to all Members and officers.

Individuals and organisations external to the Council e.g. suppliers, contractors and services providers, will also be expected to act with integrity and without thought or actions involving fraud and corruption.

Definitions

Fraud and Corruption are defined by the Audit Commission as follows:

- *Fraud is the intentional distortion of financial statements, accounts or other records by persons internal or external to the authority, which is carried out to conceal the misappropriation of assets or otherwise for gain or to mislead or misrepresent.*
- *Corruption is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person to act against the interests of an organisation, or the deliberate failure to disclose an interest in order to obtain a financial or other pecuniary gain for oneself or another.*

The Council must be aware of the risk of fraud and corruption, and put in place measures and wherever possible earmark resources to help prevent and detect fraud and corruption including the operation of management control systems and the maintenance of an effective system of internal audit.

Responsibility for the implementation and monitoring of the Policy lies with the Clerk who will also ensure that the Policy is regularly reviewed and updated where relevant.

Measures to prevent or detect Fraud

- All payments approved by the Council
- Cheques verified against invoices prior to signing
- Two authorised bank signatories, independent of the cheque raising process
- A Councillor will verify the invoices against the cheques & initial
- Cheque stubs initialled by signatories when signing to verify the stub matches the cheque

- Employ a qualified Clerk
- Council receives regular budget updates and bank reconciliation reports
- Internal Audit carried out by a qualified accountant, independent of the Council
- Review of the effectiveness of the Internal Audit, annually
- Financial Risk Assessment, annually reviewed
- Financial details are available for Councillor inspection at any time
- Standing Orders
- Financial Regulations
- Legally advertised and minuted meetings

Measures to mitigate against Fraud

- Fidelity Guarantee with the Insurance Company of £250,000

Implementation

This policy was adopted on 16th May 2018

The Council agrees to regularly review this policy.