



PETERLEE TOWN COUNCIL

Date of Issue: 2 January 2018

A MEETING OF THE RESOURCES COMMITTEE WILL BE HELD ON MONDAY 8th JANUARY 2018 IN THE COUNCIL CHAMBER SHOTTON HALL, PETERLEE, SR8 2PH at 6.30pm

Mr I Morris M.C.I.H

Town Clerk

A G E N D A

Members of the Committee and members of the public are reminded that the public part of the meeting may be recorded in both audio and video, and photographs may be taken.

1. Apologies for Absence

Members are cordially invited to inform the Deputy Town Clerk of their apologies as soon as practicable

2. To receive declarations of interest

Members are reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. Please seek advice from the Town Clerk or Deputy Town Clerk prior to the meeting if in doubt.

3. To approve the minutes of the previous meeting

Members are recommended to approve the minutes of the previous meeting of the Resources Committee on Monday 4th December 2017 as a true and correct record.

(Minutes of previous meeting, copy attached)

4. Report of the Finance Sub Committee of the 14th December 2017

Members are requested to note the payments approved at the meeting of these sub committees.

(Minutes of the Finance Sub Committee of the 14th December 2017 - copy to follow)

5. Citizens Advice, County Durham – Request for Financial Support for 2018/19

To welcome Neil Bradbury, CEO. Mr Bradbury shall discuss the success of the current existing project that the Town Council supported in 2017/18 and to look at what could be achieved for the next financial year.

6. Letters of Thanks and Appreciation

(a) Letter from Haswell & District Mencap following a grant being made from the Member's initiative Fund, (letter attached).

(b) Evolution Bradley FC following a grant made towards the Club from the MIF

(c) Easington School Sports Partnership following funding towards their after school clubs

7. Buckingham Palace Garden Parties 2018 – 5 June

4 places have been nominated to CDALC for the Queens Garden Party being held on 5 June 2018. Information previously circulated to each Member.

Councillor S Kirkup would like to be considered to represent the Town Council.

8. The General Data Protection Regulation and Data Protection Officer

A copy of information received from the National Association of Local Councils is attached for the consideration of the Council. It is important to note that **“notwithstanding the remit of the DPO’s responsibilities, the GDPR confirms that the Council or parish meeting is responsible for compliance with Data Protection Law, not the DPO”**.

(a copy of the legal briefing from NALC is attached)

9. Policies

(a) Whistle Blowing Policy

(b) Appeal Hearings Policy

Members are recommended to approve the adoption of the above two policies by the Town Council.

(Copies of the new policies are attached)

THE MINUTES OF THE MEETING OF THE
RESOURCES COMMITTEE HELD IN THE COUNCIL CHAMBER, SHOTTON HALL,
PETERLEE ON MONDAY 4TH DECEMBER 2017 AT 6.30PM

PRESENT: COUN A WATSON (CHAIR)

Mesdames:- A C Long, K Hawley, S Simpson, K Liddell, K Duffy, M A Cartwright, V Watson, L Fenwick & S McDonnell

Messrs:- S Kirkup, A Wilkinson, R Moore, S Miles, G Carne, C Watkins, T Duffy, R Kyle & S Franklin.

The Chairman advised Members of the committee that part of the meeting may be recorded by both audio and video, and it may be that photographs were taken.

58. **Apologies for Absence**

Apologies had been submitted and accepted from Councillors S McGlen, J Robinson & S Meikle. **RESOLVED the Council approve the reasons submitted at the meeting for absence received from the Councillors listed, and their apologies for absence be recorded.**

59. **To receive declarations of interest**

Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. Councillors S Simpson & G Carne declared an interest in item 5 (a) on the agenda- request for grant funding from Acre Rigg Academy and Acre Rigg Infant Schools. **RESOLVED the information given, be noted and the declarations be recorded.**

60. **The Minutes of the Last Meeting**

Members approved the minutes of the last meeting of this Committee and they were signed as a true and correct record.

61. **Audit of Accounts for the year ended 31 March 2017**

The Town Clerk advised that the final notice confirming the closure of the accounts from the external auditors, BDO Stoy Hayward, had now been received and the annual return

had been qualified as a result of the risk assessment review not being minuted during the year. **RESOLVED** the information given, be noted.

62. Requests for grant funding:-

- (a) Evolution Bradley FC, (Power: Local Government Miscellaneous Provisions) Act 1976, s19(3)). **RESOLVED** a grant of £1,250 be made towards this Club and they be requested to include the Town Council's badge and name as sponsors on their sportswear.**
- (b) East Durham Community Development Trust, (Power: Local Government Miscellaneous Provisions) Act 1976, s19(3)). **RESOLVED** a grant of £250.00 be made towards the Christmas Event aimed at local families.**
- (c) Acre Rigg Academy, (Power: Local Government Miscellaneous Provisions) Act 1976, s19(3)). **RESOLVED** a grant of £500.00 be granted towards the Acre Rigg Academy Allotment Project.**
- (d) Acre Rigg Infant School, (Power: Local Government Miscellaneous Provisions) Act 1976, s19(3)). **RESOLVED** a grant of £500.00 be made towards the Playground Project at Acre Rigg Infant School.**

63. Letter of Thanks & Appreciation

The Deputy Town Clerk advised of receipt of a letter of thanks from Peterlee Helford United on behalf of the children in the squad following a grant being awarded to them. **RESOLVED** the letter be received.

64. Policy on the Use of Mobile phones and other hand held Devices

Members were recommended to approve the adoption of a new mobile phone policy for the Town Council. **RESOLVED** the policy on the use of Mobile phones and other hand held devices, as circulated, be approved and adopted immediately by the Town Council.

Society Premises:
The Lisa Dixon Centre,
Burt Close
Haswell,
County Durham
DH6 2DA
Tel: (0191) 5260987
Fax: (0191) 5265315
e-mail: enquiries@haswellmencap.co.uk
website: www.thelisadixoncentre.com

HASWELL & DISTRICT MENCAP SOCIETY

SERVING THE COMMUNITY

Company Number: 5484495 Charity Number: 1113417

Ref: JS/ThankYou/2017/PeterleeTownCouncil

19th December 2017

Dear Friends,

On behalf of the above named society, I am writing to express our most sincere thanks for the donation of £500.00 from Peterlee Town Councils Community Initiative Fund which is deeply appreciated by everyone at Haswell & District Mencap.

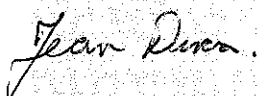
We are now collecting photographs of the work your donation will support and Hayley Hood will provide a progress report in the New Year.

Your donation is most gratefully received as with the recent economic climate funding is really restricted and we as volunteers are working harder than ever to raise funds to support the work of our charity.

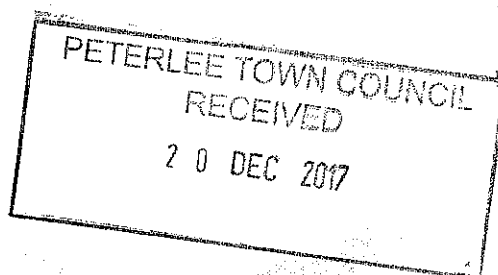
Once again, our most sincere thanks for your thoughts to help our charity and for extending the hand of friendship in the direction of Haswell & District Mencap.

May I take this opportunity to extend Best Wishes to you all for 2018.

Yours Sincerely



Jean Dixon M.B.E
Charity Manager



Funded by:



Project Part-Financed
by the European Union
European Regional
Development Fund

21 DECEMBER 2017

L10-17 | DATA PROTECTION OFFICER

Introduction

Legal briefings L04-17 and L06-17 confirmed that parish councils and parish meetings in England and community councils in Wales are required, under the General Data Protection Regulation (effective on 25 May 2018) and new UK legislation expected next year, to appoint a Data Protection Officer (“DPO”).

The purpose of this briefing is to provide more information about (i) a DPO’s responsibilities and (ii) the person appointed as DPO.

i) The DPO’s responsibilities:

The DPO’s responsibilities are as follows.

- to understand the nature, scope, context and purposes of the council’s or parish meeting’s processing activities and associated risks;
- to be involved in the council’s or parish meeting’s decisions/ activities which have data protection law implications;
- to inform, advise and make recommendations to the council or parish meeting in respect of data protection law compliance;
- to monitor and audit the council’s or parish meeting’s compliance with data protection law;
- to raise awareness of data protection law with councillors and staff in a council or with the chairman and staff, if any, of a parish meeting.
- to directly report to the “highest management level” (for a council, this would be full council and for a parish meeting, this would mean its chairman);
- to assist the council or parish meeting in carrying out privacy impact assessments when these are necessary;
- to be the contact point for the Information Commissioner’s Office (ICO) and for data subjects and
- to be consulted by council or parish meeting if a data breach has occurred.

Notwithstanding the remit of the DPO's responsibilities, GDPR confirms that the council or parish meeting is responsible for compliance with data protection law, not the DPO.

ii) The person appointed as the DPO

L04-17 confirms that the DPO may be an internal or external appointment. In other words, the DPO may be a member of staff or appointed under a service contract. A single DPO may be designated for more than one public authority, taking account of their organisational structure and size. This means a group of councils and parish meetings (or other public authorities such as principal authorities) would be permitted to commission the services of the same DPO or DPO business, provided that a DPO is assigned to each organisation. Leaving the issue of costs aside, a DPO who is a member of staff may be more beneficial than an external appointment, not least because he will be more accessible to the organisation and able to respond to issues as they arise.

The DPO must be appointed on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to perform the responsibilities described in (i) above .

Although a DPO is allowed to have functions or responsibilities additional to those arising from his DPO role, those other tasks and duties must not conflict with the performance of his DPO responsibilities. This means, in particular, that the DPO cannot hold a position which determines the purposes and the means of the processing of personal data. The need to ensure that a DPO can work without conflict of interests is closely linked to the requirement for the DPO to act in an independent manner.

The Article 29 Working Party, which is made up of the regulatory bodies for data protection law which operate in EU member states (and includes the ICO), has produced useful guidance about the DPO. The guidance states:

“As a rule of thumb, conflicting positions may include senior management positions (such as chief executive, chief operating, chief financial, chief medical officer, head of marketing department, head of Human Resources or head of IT departments) but also other roles lower down in the organisational structure if such positions or roles lead to the determination of purposes and means of processing.”

Can clerks or RFOs be DPOs?

Based on the drafting of GDPR and the guidance from the Article 29 Working Party, it is NALC's view that most clerks and RFOs cannot be designated as a council's DPO. This is because although they may satisfy some requirements of the job, they will not satisfy all of them which are summarised below.

- an absence of conflicts of interests (which may arise from responsibilities as a clerk/ RFO and may include processing activities);
- independence;
- expert knowledge of data protection law and practices and related professional ethics to effectively advise and influence full council and
- adequate time to perform DPO role (many clerks/ RFOs work part-time).



PTC WHISTLE BLOWING POLICY

Adopted January 2018

ABOUT THIS POLICY

This Whistle Blowing Policy sets out how the Town Council will deal with disclosures made by employees, contractors, volunteers or Members, of malpractice, illegal acts or omissions of work.

Ian Morris, Town Clerk

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1. Introduction

The word 'whistleblowing' in this policy refers to a disclosure made in good faith and in the public interest by employees, contractors, volunteers or Members, of malpractice, illegal acts or omissions at work.

A whistleblower is a witness and not a complainant. Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have been personally poorly treated. A whistleblower is usually not directly or personally affected by the matter concerned.

2. Statement of Commitment

Peterlee Town Council is committed to achieving the highest possible standards of service and practice, and the highest possible ethical standards in public life. As such, the Council takes malpractice and wrongdoing very seriously and will take all reasonable steps towards its prevention and detection.

Peterlee Town Council recognises that in many cases the Council's employees, Members, volunteer helpers or contractors will be the people most likely to become aware of wrongdoing or malpractice. In light of this, the Council encourages its staff, Members, contractors and volunteers to use the mechanisms set out in this policy to report potential malpractice without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

Where Council employees or Members are aware of or suspect malpractice, the Council expects them to report their suspicions. Employees are explicitly required to report suspicions of malpractice or breaches of policy under the staff Code of Conduct. The Council will treat failure to report wrongdoing or malpractice as a serious matter.

Peterlee Town Council will not tolerate any harassment or victimisation of a whistle-blower (including informal pressures), and will treat this as a serious disciplinary offence. Appropriate disciplinary action may be taken in accordance with the Council's Disciplinary Procedure.

3. Legal Framework

Under the Public Interest Disclosure Act 1998, workers who raise genuine concerns about a range of misconduct or malpractice at work have statutory protection against victimisation and dismissal.

An employee who 'blows the whistle' will be protected by the Act if the disclosure is made in good faith about any of the following:

- a criminal act;
- failure to comply with a legal obligation;

- miscarriages of justice;
- danger to health and safety;
- any damage to the environment; or,
- an attempt to cover up any of the above.

A whistleblower will not be protected under the Act if they break the law when making a disclosure.

4. Scope of this Policy

Peterlee Town Council has a range of policies and procedures in place to deal with standards of behaviour at work, including a Grievance Policy, Disciplinary Policy, Dignity at Work Policy and a raft of other specific policies. Employees are encouraged to use the provisions of these procedures when appropriate.

Service users should make complaints or raise concerns through the Council's Complaints Procedure.

Therefore, this Whistleblowing Policy should not be used to deal with complaints that employees may have about their employment in most circumstances. The aim of the Whistleblowing Policy and Procedure is to enable employees, Members, contractors and volunteers to report an issue if they feel that it cannot be done using the existing procedures, particularly if the matter is not about their personal employment position. Whistleblowing refers to issues that are of such importance that the public interest is served by reporting the issue.

The following is a list of examples when this policy may be used (please note that this list is not exhaustive):

- When any unlawful act, whether criminal or a breach of civil law, has been committed, is being committed or is likely to be committed;
- suspected corruption or fraud;
- disregard for legislation, particularly that of health & safety at work;
- a breach of a code of conduct;
- misuse of assets, including stores, equipment, vehicles, buildings, computer hardware and software;
- causing damage to the environment;
- breach of financial regulations;
- showing undue favour over a contractual matter or to a job applicant;
- breach of, or failure to implement or comply with, any policy determined by the Council;
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the Council or would otherwise seriously prejudice the Council;
- abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose; or

- deliberately concealing information in relation to any of the items on this list.

Whilst volunteers are not covered by the Public Interest Disclosure Act, this Council's policy has been written to encompass Members and volunteers.

5. How to Disclose Information

5.1 The Town Council

The *Public Interest Disclosure Act* directs workers towards raising matters internally within the Town Council in the first instance, and to use the internal whistleblowing policy.

For a disclosure to be protected by law, a whistle-blower must:

- make the disclosure in good faith;
- reasonably believe that the information is substantially true

5.2 A Legal Advisor

A disclosure of information for the purpose of obtaining legal advice is protected.

5.3 Prescribed Persons

Whilst the Town Council strongly encourages disclosures to be made internally, if a whistleblower feels unable to use the procedure outlined within this policy they can make a disclosure to other people/organisations as prescribed by government. The most relevant prescribed people relating to the Town Council are:

- The Health and Safety Executive and Durham County Council for health and safety risks;
- The Environment Agency;
- The Serious Fraud Office;
- Inland Revenue;
- Customs & Excise;
- National Audit Office; and,
- Information Commissioners Office (ICO).

To make a protected disclosure to a prescribed person, the whistleblower must:

- make the disclosure in good faith;
- reasonably believe that the information is substantially true; and,
- reasonably believe that the information is being disclosed to the right person or organisation.

6. Wider Disclosures

A whistleblower would also be protected under the Act if they made wider disclosures, e.g. to a professional body, the Police or an MP etc., if the whistleblower:

- makes the disclosure in good faith;
- reasonably believes that the information is substantially true;

- does not act for personal gain; and,
- acts reasonably taking into account the circumstances.

In order to make a protected wider disclosure, the whistle-blower must either:

- reasonably believe that the Council would treat them unfairly if they made a disclosure internally or to a prescribed person;
- reasonably believe that an internal disclosure would result in the destruction or cover-up of evidence; and,
- have previously disclosed the same or very similar information internally or to a prescribed person.

7. Whistleblowing Procedure

7.1 Confidentiality

If the whistleblower requests confidentiality, the Council will not reveal the whistleblower's name or position without their permission. It is, however, easier to pursue and verify complaints if the whistle-blower provides his/her name. Unsupported, anonymous complaints and allegations will be treated with caution.

There may be circumstances when the Council is legally obliged to disclose the name of a whistleblower, e.g. when ordered to by a court.

7.2 Protection for Whistleblowers

If an employee, Member, volunteer or contractor raises a concern which they believe to be true, the Council will take appropriate action to protect the individual from harassment, victimisation and bullying. Employees who raise a genuine concern under this policy will not be at risk of losing their job.

However, a whistleblower will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence.

7.3 Involvement of Trade Unions

Peterlee Town Council recognises the right of whistleblowers to be advised and represented by their union when raising concerns under the whistleblowing procedure.

7.4 Designated Officer

The Town Clerk is the Designated Officer to be a point of contact for concerns raised under this procedure.

7.5 Raising a Concern

An employee should normally raise their concerns about wrongdoing or malpractice with their immediate line manager. Whilst the whistleblower is not expected to prove the truth of an allegation or to investigate the matter themselves, the whistleblower should have a reasonable belief and some evidence to back it up before raising their concerns. The manager will notify the Designated Officer within two working days whenever possible.

Where it is not appropriate to go via normal management reporting channels, because the matter is serious and sensitive (e.g. if the whistleblower believes that his or her manager is involved), he/she should contact the Designated Officer. Members, volunteers and contractors should contact the Designated Officer.

The Designated Officer must take all concerns seriously.

Where, exceptionally, the concern is about the Town Clerk, the concerns should be reported to the Chairman of the Council, who will decide how the investigation will proceed. This may include an external investigation. In normal circumstances the Chairman will consult with Durham County Council's Internal Audit and Fraud Manager in the first instance.

7.6 Employer's Response

Within ten working days, the Town Clerk will arrange an initial interview to ascertain the nature of the whistleblower's concern. The interview will be confidential if requested by the whistleblower. The whistleblower has the right to bring a friend, colleague or union representative along with them. The friend must observe confidentiality.

At this stage, the whistleblower will be asked whether they wish for their identity to be disclosed and will be reassured about protection from possible reprisals or victimisation.

The whistleblower will be asked if they wish to make a written or verbal statement. In either case, the Town Clerk will write a brief summary of the interview, which will be agreed by both parties.

The Town Clerk will be responsible for the commission of any further investigation.

7.7 Investigation

The investigation may need to be carried out under strict confidentiality, i.e. the subject of the investigation will not be informed until, or if, it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In most cases the investigation will involve consultation with Durham County Council's Internal Audit and Fraud Manager, and/or the County Council's Monitoring Officer (in the case of allegations involving an elected Member).

The Town Clerk will offer to keep the whistleblower informed about the investigation and its outcome.

If the investigation finds that there is a case to be answered by any employee, Peterlee Town Council's Disciplinary Procedure will be used.

If the investigation identifies that there is no case to answer, but that the whistleblower held a genuine concern and was not acting maliciously, the matter will be closed. The Town Clerk will ensure that the whistleblower suffers no reprisals or victimisation.

If the investigation discovers that an employee has made false accusations with malicious intent, appropriate disciplinary action may be taken in accordance with the Council's Disciplinary Procedure.

If the concern raised is very serious or complex, it may be necessary for an inquiry to be held. The Designated Officer may refer the issue to the police or other agencies in serious cases.

7.8 Following the Investigation

The Town Clerk will arrange a meeting with the whistleblower within ten working days of the conclusion of the investigation in order to feedback any action taken. This will not include details of any disciplinary action taken, as this is confidential.

If the whistle-blower is not satisfied with the outcome of the investigation, the whistleblower may make disclosures to prescribed persons, or wider disclosures, under the conditions outlined in section 5 above 'How to Disclose Information'.

9. Policy Review

The policy will be reviewed on a regular basis. In the event that an incident of whistleblowing takes place, Peterlee Town Council will take the opportunity to examine its policy, procedures and working methods to see if they can be improved.

Ian Morris

Town Clerk

January 2018.

Appeals Hearing Policy



Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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1 Introduction

1.1 What is the policy about?

The opportunity for appeal is essential to natural justice and this policy outlines the procedure for the employee, where dissatisfied, to appeal against disciplinary action, a grievance decision or a dismissal.

An appeal may be raised by employees on the following grounds:

- the sanction was not proportionate to the action;
- the procedure was not followed properly; and
- the facts relied upon when making the decision are disputed

The purpose of an appeal is to enable an independent review to be carried out as to the 'reasonableness' of the Lead Officer's decision.

1.2 Who does the policy apply to?

This policy covers all employees of Peterlee Town Council.

2 Arranging the appeal hearing

Appeals are heard by the Council's Appeals Sub-Committee and the process is described below:

- the employee must notify the Town Clerk in writing within 10 working days of receiving their outcome letter that they wish to exercise their right to appeal;
- the employee will then be issued with an Appeal Submission Form (see Appendix A) and this must be returned to the Deputy Town Clerk within 5 working days of issue;
- A copy of this form will be shared with the Council's Human Resources support providers (at the date of writing this report, this being Durham County Council's Human Resources team), the Appeal Committee will be notified of a forthcoming appeal, and an appeal hearing date will be set. This date will usually be within 28 calendar days of the date the Appeal Hearing Submission Form was received. The employee will also be asked to provide their detailed statement of case and any supporting documentation in line with the timescales set out in section 4.3;
- the Presenting Officer (usually the Town Clerk) will be asked to prepare and submit a statement of case and any supporting documentation to the Deputy Town Clerk;
- the Deputy Town Clerk will collate the information submitted by the employee and the Presenting Officer and will circulate a paginated bundle to all parties 5 working days before the date of the hearing;
- documents submitted by either management or the employee after this time will not be accepted except with the consent of the Appeals Sub Committee.

3 The appeal hearing

The appeal will be heard by the Appeals Committee which is comprised of four elected members. The Deputy Town Clerk or other nominated officer will take notes at the Appeal. A representative from the HR Advice and Support Team at Durham County Council will attend to support the panel in reaching their decision.

The employee has the right to be accompanied by a trade union representative or work colleague. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest. The employee should advise the Appeals Committee (through the Deputy Town Clerk) who will be accompanying them before the date of the Appeal Hearing.

The Presenting Officer will be the manager who made the decision being appealed. This will usually be the Town Clerk. Where the manager who made the decision differs from the Investigating Officer, it is essential that the Investigating Officer also attends the Appeal to provide support and answer questions about the original investigation.

See supporting document B for the process to be followed at the Appeal hearing.

4 Documentation and evidence

The documentation associated with the original decision and the outcome letter will be included in the paginated bundle issued by the Appeals Committee to all parties for use at the Appeal Hearing.

4.1 Statement of case

Both the employee and the Presenting Officer will be required to submit a statement of case prior to the appeal. The statement of case will form the basis of the presentation to be made to the appeal panel.

The employee's statement of case should set out the basis of their appeal against the original decision, including any documentary evidence they wish to rely upon. It is possible for the employee to introduce new information for consideration by the Appeals Committee, however, all information to be relied upon by the employee at the Appeal must be provided to the with the statement of case - no new information can be tabled at the hearing.

The Presenting Officer will have received a copy of the employee's Appeal Hearing Submission Form, summarising the basis of the appeal. They will then also be asked to provide a statement of case, including relevant documentary evidence and the reasons why the original decision was made.

4.2 Witnesses

It is only possible for either party to call a witness or witnesses at a disciplinary appeal (no witnesses are permitted at grievance or other dismissal appeals not related to a disciplinary).

The employee and the Presenting Officer can ask witnesses to attend a disciplinary appeal hearing to provide evidence relevant to the issue being decided. Where witnesses are to be called, their identity and a summary of the evidence that they will provide (preferably in the form of a witness statement) must be included in the statement of case to enable both sides to prepare for the hearing. The Appeals Committee may refuse to hear from any witness whose evidence has not previously been disclosed.

If an employee wishes to call any witnesses to support their case, it is their responsibility to ensure that they are available on the date of the Appeal.

4.3 Timescales

All documentation must be provided to the Appeals Committee at least 8 working days before the date of the Appeal Hearing. Any information submitted after each party has provided their statement of case will only be considered by the Appeals Committee in exceptional circumstances, with the consent of the Chair of the Appeals Committee.

If additional information is permitted to be relied upon, both sides will be allowed appropriate time to consider the information. In some cases, the hearing may be postponed, depending on the information submitted.

5 Outcomes

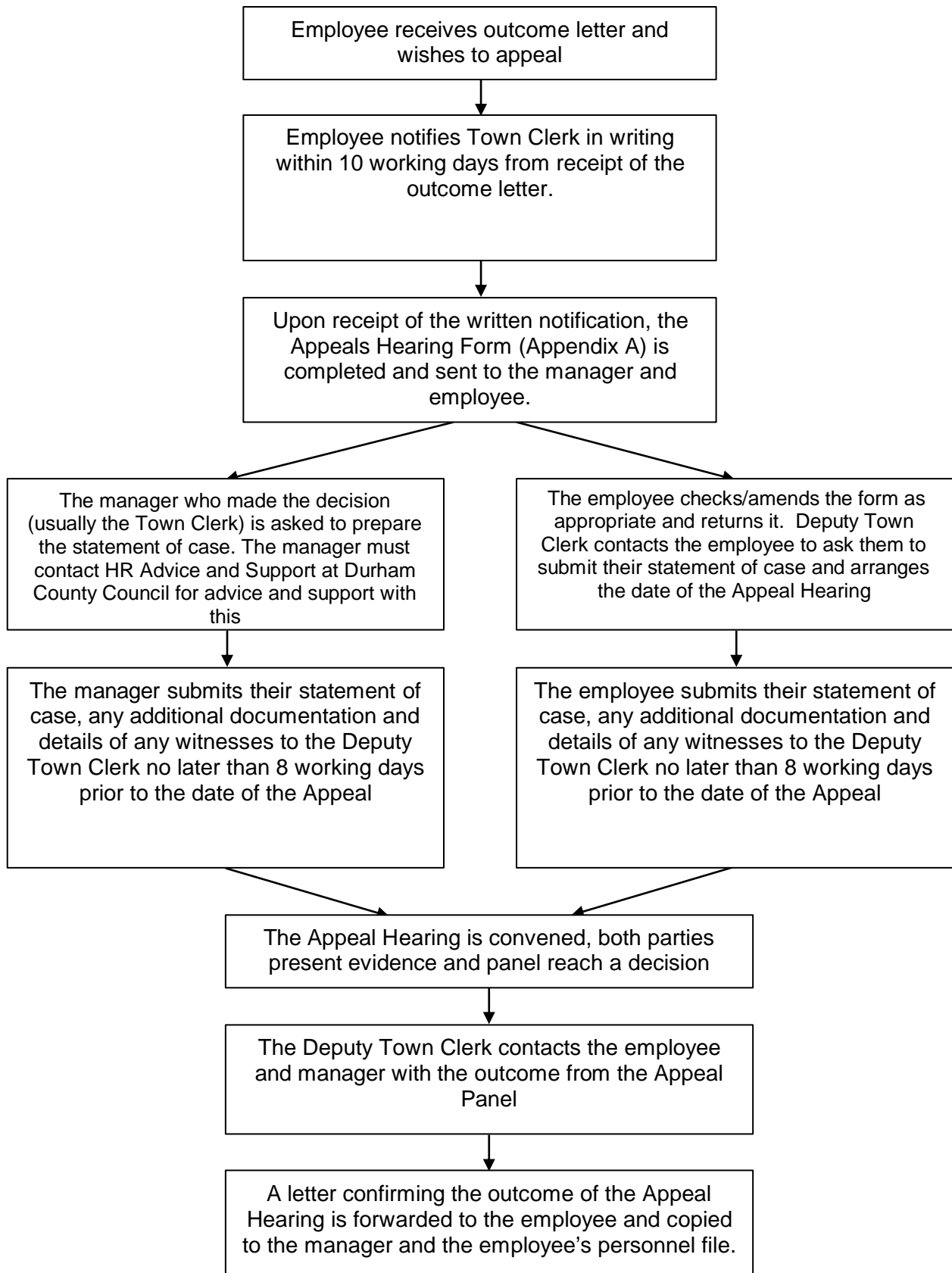
The panel must be satisfied that a thorough investigation has taken place and that all reasonable efforts have been made to gather relevant evidence. As a result of the hearing, the Appeal Panel can reach a number of different decisions, as detailed below:

- not to uphold the appeal;
- to uphold the appeal either in full or in part;
- adjourn for further information or refer the matter for further investigation, particularly if new evidence is introduced; and
- in Disciplinary and Dismissal Appeals, Appeals Committee will be able to substitute their decision for that of the Presenting Officer, provided that they do not exceed the authority of the Presenting Officer.

When the Appeals Panel has reached a decision, the employee (and their representative) and the Presenting Officer will be given oral notification of the decision of the Appeals. The decision will be confirmed in writing by the Deputy Town Clerk or other nominated officer as soon as possible, sent recorded delivery or by hand.

The decision made at this stage is final and there is no further right of appeal.

6 Flowchart



7 Supporting documents

The following supporting documents can be obtained from your manger/cloud storage.

A	Appeal hearing submission form
B	Appeal hearing process

The following documents associated with this policy and procedure can be obtained from your manager/cloud storage:

Appeals Hearing – Guidance for Managers

8 Further information

8.1 Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 1998 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

8.2 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The Council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

8.3 Equality and diversity

Peterlee Town Council is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

8.4 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the Town Clerk (or nominated representative) using the contact details below:

Email: clerk@peterlee.gov.uk
Tel: 0191 586 2491