

Coxhoe Parish Council Grievance, Disciplinary, Complaints and Subject Access Requests Committee Terms of Reference



1. Premise

The purposes of this Committee are:

- to reach decisions on grievance and disciplinary matters in accordance with agreed Council policies;
- to reach decisions on any complaints received by the Council and requiring a decision by the Committee in accordance with the Council's Complaints Policy
- to make a decision, on behalf of the Council as the Data Controller, on responses to Subject Access Requests received by the Council.

2. Membership

The Committee shall comprise of three to five councillors appointed at the Annual Council meeting or at a Council meeting, and the membership shall be the same as the Human Resources Committee. At the first meeting of this Committee a Chair will be elected by the members and the Terms of Reference noted. The Terms of Reference must be approved by full Council. All Councillors will receive the agenda and draft and approved minutes for each meeting.

3. Quorum

A quorum will be three members.

4. Meetings

4.1 Meetings will be convened on a needs basis.

4.2 Time may be set aside for public participation in accordance with Council policies, however it is unlikely that public participation would be part of the meetings of this Committee, due to the nature of its business. The Clerk will reach a decision on public participation when drawing up the agenda.

5. Conditions

5.1 Due to the confidential nature of some items of business to be transacted it may be necessary to hold meetings (or parts thereof) in private in pursuance of Public Bodies (Admission to Meetings Act 1960 Section 1 as amended 2014 and by the Openness of Local Government Bodies Regulations 2014). This can be done at any point during the meeting. Staff will also be required to leave unless otherwise agreed by the Committee and a Councillor will be nominated to record the discussion and any resolutions during this period.

5.2 Minutes to be an agenda item and presented for noting at the next meeting of the parish council.

5.3 The Committee may co-opt to fill temporary vacancies.

5.4 The Committee is empowered to invite specialist professional officers or advisers to attend meetings to provide guidance as to matters under discussion. If a cost is involved this will be financed under code 4170 HR Advice costs of the Parish Council budget. The Clerk will discuss this with the Committee Chair in advance of any meeting, and the Clerk will use delegated authority to approve the financial commitment.

5.5 The Committee has powers delegated by full Council to make decisions on the outcome of a grievance, disciplinary or complaint.

5.6 Only members of the Committee may vote on agenda items. Staff will not be formal members of the Committee and will not have any voting rights on this Committee.

5.7 Non-Members of the Committee are subject to the same rules as Committee members regarding confidentiality and the requirements of the Code of Conduct, and on declaring interests and acting according to the Standing Orders or any other Parish Council policy or legal requirement.

5.8 The Committee will comply with and have due regard to policies and guidance relating to staffing matters, which include (but are not limited to):

- Standing Orders
- Financial Regulations
- Parish Council Policies including for Disciplinary and Grievance, Subject Access Requests and Data Protection
- Staff contracts which reference Terms and Conditions of Employment
- ACAS guidelines and procedures for grievances or disciplinary matters
- National Joint Council (NJC) 'Green Book' pertaining to employment of local authority staff.

5.9 Anyone making a Subject Access Request will not receive a formal invitation to the meeting of the committee.

5.10 The Clerk will undertake research in relation to any Subject Access Request including checking the identity of the people making the request.

5.11 The Committee will not consider complaints which are not within its remit e.g. those which allege breach the Code of Conduct and should be considered by the Monitoring Officer.

6. Restriction

6.1 A member of the council will not sit as a member of the committee if that member has a direct conflict of interest such as being related to the Clerk.

6.2 If a Subject Access Request is submitted by a Councillor who is a Member of the committee, another Councillor will be requested to be a substitute Member for that meeting of this committee.

6.3 Councillors will promote transparency by declaring interests as appropriate and following policy and procedure in relation to taking part in or withdrawing from discussion.

7. The Committee's Responsibilities and Powers

7.1 The Committee has powers under the Local Government Act 1972 to undertake decisions on staff matters.

7.2 The decision of the Committee on any complaint will be final and there is no right of appeal.

7.3 Staff have a right of appeal to the Appeals Committee on decisions reached by this Committee on grievance or disciplinary matters.

7.4 The committee has powers and responsibilities to decide the outcome of a Subject Access Request.

7.5 If the requester is not satisfied with the decision of this committee on a Subject Access Request, they are entitled to make a complaint to the Appeals Committee which will review the decision.

8. Delegation to the Clerk and other Employees

8.1 The Clerk, or the Council's Chair or Vice Chair in the case of the Clerk, will investigate and respond to grievances, disciplinary processes and complaints initially in accordance with the Council's Complaints Policy and all other policies.

The Terms of Reference were approved by Coxhoe Parish Council at its Ordinary Meeting on 7 March 2022.