

# SOURTON PARISH COUNCIL ABSENCE MANAGEMENT POLICY

## INTRODUCTION

The Council is committed to providing effective, high-quality service to all its customers and to optimising the contribution of all employees. As part of this aim it is essential that throughout the organisation all employees are committed to maximising attendance.

The Council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return the Council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate and to attend work when fit to do so.

The Council recognises that genuine medical grounds will occasionally result in employee absence. It is the Council's policy to treat all such sickness absence in a fair, sensitive and consistent manner across all areas of the workforce.

The Council must, however, balance the sensitive management of genuine individual sickness against its needs to be publicly accountable for its resource allocation and as such it cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short term sickness or extended periods of absence as appropriate.

## AIMS

In order for the Council to meet its responsibilities it will ensure that:

- it provides a supportive environment for those employees affected by ill health;
- all employees adhere to the comprehensive procedural guidelines produced in support of this policy;
- levels of sickness absence are the subject of routine monitoring.

## RESPONSIBILITIES

The onus for attending work on a regular basis, and for reporting absence in accordance with the Council's agreed procedures, rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence in their record of hours worked.

The responsibility for recording, monitoring and managing absence on a day to day basis lies with the Chair of the Staffing Committee. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

## REVIEW

This Policy and the supporting procedural guidelines will be reviewed periodically. Responsibility for conducting this review lies with the Parish Clerk.

## EMPLOYEE ABSENCE

### Reporting

If you are unable to work due to illness/injury you must contact the Chair of the Staffing Committee or Chair of the council as soon as possible or arrange for someone else to do this on your behalf. This should be no later than 9.30am on the first day of absence or nearest working day. You should provide:

- the nature of your absence;
- the date your injury/illness began (including weekends and holidays);
- the expected duration of your absence;
- whether you have any immediate work commitments that will need completing/ reassigning during your absence.

If the Chair of the Staffing Committee is unavailable, you should ensure that contact is made with the Chair.

### Certification

Where your absence is not covered by a doctor's certificate and is for a period of up to seven days inclusive of weekends you will be asked to complete a self certification form on your return to work.

If your absence exceeds seven days and you have not already done so you should provide a doctor's certificate for the remainder of your absence. You will need to ensure that there is always a current

certificate in force. Your doctor's certificate 'fit note' will include whether you need to see your Doctor before returning to work.

If the doctor's certificate states that you "may be fit for work" you should inform the Chair of the Staffing Committee or Chair of the council immediately. The Chair of the Staffing Committee or Chair of the council will discuss with you whether there are any additional measures that may be needed to facilitate your return to work, taking into account the doctor's advice. This may take place at a return to work interview or an absence review meeting. If appropriate measures cannot be taken, you will remain on sick leave and the Chair of the Staffing Committee or Chair of the council will set a date to review the situation.

## Return to Work Meetings

When you return to work after any period of absence which lasts more than 14 days the Chair of the Staffing Committee or Chair of the council will arrange to meet with you unless there is regular absence. This meeting will occur on your first day back, or as soon as possible thereafter. The purpose of this meeting is:

- to provide an opportunity for the Chair of the Staffing Committee or Chair of the council to check that you are fit enough to return to work;
- to give you an opportunity to voice any concerns that you may have and/or to identify any domestic, welfare or work-related problems in an appropriate forum;
- to ensure that you are aware of work-related matters that have occurred during your absence;
- to fill out the sickness declaration form.

## Miscellaneous

It is important that you comply with these procedures in order that:

- the Council can be aware of potential problems and provide assistance to you where necessary;
- any sick pay to which you would otherwise be entitled is not withheld or refused.

Records retained in respect of sickness absence will be treated with sensitivity and confidentiality and at all times in accordance with the provisions of prevailing Data Protection Legislation. You will be entitled to access your records on request.

## EMPLOYEE ABSENCE: GUIDELINES FOR PARISH CLERK General Issues

The Chair of the Staffing Committee is responsible for the management of sickness absence within the Council and should therefore ensure that all employees are aware of, and comply with, the Council's procedure for reporting absence from the workplace. Where employees have failed to follow established procedures in respect of notification of absence or the provision of medical certificates etc. they should be reminded of their obligations and, if appropriate, notified that further noncompliance may result in the initiation of disciplinary action. Where there is concern that an employee has wilfully abused the sickness absence provisions or absented themselves from work without satisfactory reason or explanation the matter should be referred into the disciplinary procedure for investigation and appropriate action.

If an employee is ill while they are on holiday, this time should be regarded as sick leave provided that they can provide a doctor's certificate. Post-dated certificates i.e. covering a period prior to the doctor's appointment will not be accepted.

Where a public holiday falls during a period of sickness absence the employee concerned will continue to receive sick pay however no substitute public holiday will be given.

Should an employee who has been refused annual/flexi leave subsequently report sick for the period requested, you should carefully investigate the circumstances. You may wish to consider requiring the employee to submit a doctor's certificate for the period in question. Where this is the case any cost incurred will be reimbursed providing the employee is able to submit a receipt. It is not expected that you will normally contact employees at home during periods of self-certificated absence although there may be occasions when this is necessary as a result of issues arising at work. The timing of contact with an employee at home during periods of certificated absence must be a matter of judgement with consideration being given to the nature of the absence, the importance of the job, the problems of providing cover, the employee's previous absence record, and the effects of the absence on service provision and other employees.

## Return to Work Meetings

Effective absence management depends upon the availability of relevant information, and you should therefore arrange to hold a return to work meeting with employees following each period of absence. Return to work meetings present an informal opportunity to establish the cause of the absence, indicates to the employee an interest in their welfare, and allows you to establish whether the employee requires any further help or support. They can also provide the opportunity for you to alert an employee to concerns that you may have in respect of situations where an unsatisfactory absence record is developing. You will need to complete a Return to Work Form (found at Appendix 1) after every period of absence (including half days).

Meetings should be arranged as soon as practicable and preferably within two days.

In some cases, the discussion will only need to be brief. In other more complex cases, for example where there is a history of a high level of sickness absence, the meeting will need to be more involved. An employee can refuse, if they wish, to provide information at the return to work

discussion. Where this is the case, you should attempt to identify with the employee the reasons for this refusal. If the employee does refuse to cooperate in the return to work discussion, you should record your attempts to conduct this discussion and the employee's refusal.

## Long Term Absence

All cases of long-term absence will be treated sympathetically and every assistance will be given to the employee to return to work. You should maintain contact with the employee, and advise them that they should keep the Council informed of any developments relating to their condition.

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to such cases of absence, employees who have been absent for a continuous period of four weeks may, depending on the nature of the absence in question, be referred to the Council's Occupational Health Physician. Where the Occupational Health Physician makes a recommendation which may affect the employee's continued employment, you should arrange to meet with them to discuss alternative options. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

While a return to work following a period of prolonged absence may be facilitated by temporary redeployment or phased re-introduction, i.e. job sharing or part-time working, an employee can be advised that you will discuss these options with them, and if appropriate ensure that support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period and will be subject to joint review.

In certain cases, the Occupational Health Physician may find that an employee is unfit to perform a particular job, but fit enough to undertake other types of work. In such cases, full consideration will be given to the possibility of redeployment in cases where work in a particular place poses problems with attendance.

## Frequent Intermittent Absence

Although there will be informal return to work interviews after all periods of absence, after four episodes of absence or a total of ten days short term sickness absence within any period of twelve months, you will be required to institute a more formal review of attendance and reasons for absence with an employee. You should therefore arrange to meet with any employee whose absence record matches or exceeds the above criteria.

During the interview, you should draw the employee's attention to their poor attendance record, and the problems that their absences are causing for the Council and other employees. Where no underlying medical condition is disclosed, the employee must be advised that their attendance

record will be monitored (over a period of not less than three months) and that significant improvement will be required. In addition, employees must be warned that if no such improvement is forthcoming, serious consideration will be given to reviewing their employment situation. This must be confirmed in writing. Return to work interviews must continue to be carried out following any absences which occur during this monitoring period. These interviews will afford you the opportunity to remind the employees of the Council's concerns.

If, after the period of monitoring has elapsed, no significant improvement in attendance has been effected, a further interview must be arranged. At this interview, the employee must once again be reminded of the problems caused by the absences and asked if they wish to disclose any underlying medical condition or problem of which you should be aware. If such a condition is disclosed, a medical referral should be arranged. Where no underlying medical condition exists, the employee should be told that their attendance record will be subject to a further period of monitoring (of not less than three months) and that their employment may be terminated if the required improvement is not effected. Employees have the right to be accompanied to the meeting by a trade union representative or a work colleague.

Employees whose levels of attendance improve satisfactorily during periods of informal and/or formal monitoring must be reminded that they will be expected to maintain these levels of attendance. Failure to do so will result in further monitoring and/or the initiation of formal action.

## Personal, Domestic or Work-Related Problems

Where an employee reveals that their absence has been a consequence of personal, domestic or work-related problems, you should endeavour to discuss with them any relevant details which they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded of the fact that such matters will be treated confidentially, and that the Council cannot assist them if it is not made aware of the problem. Should an employee wish to discuss matters with someone other than the Chair of the Staffing Committee, the Chair of the Council can be contacted for a confidential interview.

Once the problem has been clearly identified, appropriate assistance can be afforded to the employee. It is not possible, in a guidance document such as this, to cover all circumstances, but special leave, temporary adjustments in working arrangements or referral to specialist agencies are available options.

## Alcohol/Drug Dependency

Where an employee discloses that their absences are a consequence of alcohol or drug related problems they will be encouraged to seek help and treatment voluntarily using resources of their

own choosing. Employees will be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the Council's sick pay scheme, with the monitoring of progress by the Occupational Health Service.

Should an employee refuse or discontinue any programme of assistance designed for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the Council's Disciplinary Procedure.

## Welfare

If, as a consequence of medically related absence, you have any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, consideration should be given to suspending them with pay, or finding alternative duties whilst medical advice is sought.

## Termination of Employment

Prior to termination being considered the Chair of the Staffing Committee or Chair of the council will meet with the individual to explore whether there are any reasonable adjustments that could be made to enable an employee to remain employed. Termination of employment may take place where:

- an employee is declared permanently unfit for work;
- an employee is declared medically unfit for their work, and alternative employment cannot be found;
- a decision has been taken that the service can no longer tolerate a high level of absence;
- A decision is taken, within the Council's disciplinary process, that an employee has wilfully abused the sickness absence/payments provisions and/or absented themselves without permission.

To reach a decision on whether dismissal is appropriate an attendance hearing will be arranged. The employee will be invited in writing to attend the hearing and be notified of their right to be accompanied by a trade union representative or colleague.

The Hearing Panel will comprise of three members of the Staffing Committee, who will make the decision. All paperwork relating to the hearing will be circulated five days in advance of the hearing, to all parties attending.

At the hearing, once they have considered both the manager's and employee's cases and considered all relevant information the Panel will adjourn to make a decision. The decision of the Panel must be confirmed to the employee in writing within five working days. The letter should clearly set out:

1. the Panel's decision:
  - if a warning has been issued the timescale for this and the level of improvement required; or
  - if the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or
  - if the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information.
2. the employee's right of appeal.

## Monitoring

Monitoring is an important part of sickness absence. In order for reports to be issued to managers, it is important that all absence from the workplace is reported. All signed absence forms should therefore be returned as soon as possible after the employee's return to work interview has been conducted. The Chair of the Staffing Committee will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of statistics showing the level of sickness absence across the Council.

The sickness monitoring system will also enable the Chair of the Staffing Committee to identify individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, such notifications should be viewed as a secondary means of identifying problems or potential problems.

Chair of the Staffing Committee should ensure at all times that comprehensive records are maintained for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's personal file and should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

|                           |              |
|---------------------------|--------------|
| Date approved             | October 2026 |
| Signature of the Chairman | C Mott       |
| Date of review            | October 2027 |

## **Appendix 1**

### Return to Work Discussion

**Name of employee:**

**Name(s) of others present:**

**Date:**

**Time:**

**Period of Sickness Absence: From: To:**

**Number of Working Days Absent:**

**Did the employee follow the correct absence reporting procedure?**

Yes/No

**Has a medical certificate been provided?**

**Yes/No If yes, delete as appropriate:**

**Self Certificate**

**Doctor's Certificate**

State briefly why the employee was unfit for work (specify nature of illness or injury. Words like "illness" and "unwell" are not enough)

**Was the absence a result of an injury at work or work related accident or illness?**

Yes/No

**If yes, please give details:**

**When was the incident reported (date and time)?**

**Who was the incident reported to?**

**Was the absence the result of an accident where damages may be claimed from a third party (e.g. road traffic accident?) Yes/No**

**If yes, please give details:**

Is the employee fit to resume normal hours and duties? Yes/No

**Are you on any medication which may affect their performance?**

Yes/No

**Does the employee feel that there is anything the Council can do in support?**

**Yes/No**

**If yes, please give details of the support required:**

Summary of actions agreed: (i.e. alterations to working arrangements, referral to Occupational Health, referral to other support agency, etc.)

**Review date of actions:**

**Any other comments:**

**I understand that this information will be used for the purposes of recording and monitoring sickness absence.**

Signed

**Employee: Date:**

Signed

**Manager: Date:**

### **Data Protection**

The data contained in this document is for use in relation to this Plan only.

In order to comply with General Data Protection Regulations, the document must be held securely by those Members it is distributed to and disposed of in the correct manner when no longer required or the plan is updated.

Failure to comply, may result in disciplinary action being taken.

## **1 GENERAL INFORMATION**

### **Introduction**

This Plan has been designed to prepare Sourton Parish Council to cope with the effects of an emergency and continue to provide and maintain its services. This plan aims to minimise the effects of an incident which may affect the provision of Council services and to restore the highest possible levels of service in the shortest possible time.

It is intended that this document will provide the basis for a relatively quick and painless return to “business as usual” regardless of the cause.

### **Review**

The Plan will be reviewed at least annually by the Council.

### **Aim, Objectives, and Distribution of the Plan**

#### Aim

The aim of the Plan is to increase the Council’s resilience and minimise wherever possible the risk of disruption to the delivery of Council services. The Plan addresses the timely

reinstatement of critical services by providing guidance and action plans for staff tasked with implementing the process.

### Objectives

- To develop and maintain a process which regularly reviews, updates and tests the overall plan.
- To ensure staff are involved in the preparation and maintenance of the Plan, so that there is an effective and consistent response to service continuity planning.
- To mobilise the organisational actions required to manage recovery.
- To ensure control is established in the critical early stages following an incident which affects the delivery of the Council's services.
- To restore and maintain services provided as soon as possible.

### Distribution

A Master copy of the Plan will be held securely by the Clerk and all members of the council will personally hold a copy in a secure location at their home address.

## **2 IMPLEMENTATION**

The Plan should only be implemented in the event of an incident which causes or for which there is a high risk of disruption of the ability to deliver Council services. The following stages **must** be followed:

### **Stage 1 – Escalation**

During normal hours and out of hours, the person receiving information of an incident or potential incident must alert the Clerk.

When informed of the incident or potential incident the Clerk, will inform some, or all of the following as required:

- Chair
- Vice Chair

If necessary, the rest of the council will be notified.

### **Stage 2 – Activation**

Decision is made by the Clerk to contact the chair and vice chair to evaluate the situation and agree the actions to be taken. In the event the Clerk is unavailable the chair in conjunction with the deputy chair will take this action.

### **Stage 3 – Evaluation**

It is recognised that whilst any major disruption or emergency is likely to affect the Council's overall service, it may impact differently on the ability of individual services to function and maintain their effectiveness.

Following an incident, it will be necessary at an early stage to assess the overall impact on the delivery of services. The evaluation will be the responsibility of the EC, in conjunction with any other persons as may be felt necessary. A checklist is attached at Appendix A.

## **Stage 4 – Invocation**

The decision to invoke the Plan will be made by the clerk, chair and vice chair and will be based upon the evaluation at Stage 3. It may be necessary at this stage for the clerk to work from another location.

### Flooding

Should the nature of the emergency be the major flooding of the parish all available councillors may be called upon to assist with the moving of files and items to an alternative location, should it be risk assessed safe to do so.

### Fire

In the event of a fire in the clerks home a back up storage location for paperwork and hardware will be needed if it is safe for them to be removed. Clerk to rely on advice from the fire service on this.

### Pandemic or Health Emergency

In the event of a pandemic or health emergency, the advice of the government will be followed.

Such an event could result in high levels of councillor sickness, potentially resulting in meetings being inquorate or services being unable to be provided.

To minimise the risks the clerk will continue to work from home and council meetings with take place virtually if legislation permits. To ensure that services can continue to run delegated powers will be given to the Clerk.

**Business Continuity Plan  
Stage 3 – Evaluation Checklist**

The following check list should be used as a guide to evaluate the extent of the damage and potential consequences of the incident.

| <b>Consideration</b>                                                                                   | <b>Comments</b> |
|--------------------------------------------------------------------------------------------------------|-----------------|
| Identify which services or functions are affected and the level of disruption, or potential disruption |                 |
| Consider staff availability                                                                            |                 |
| Are any staff displaced, or likely to be displaced, and require alternative working arrangements?      |                 |
| Access damage, or likely damage, or disruption to IT equipment and systems                             |                 |
| What other equipment is lost or damaged?                                                               |                 |
| Can functions continue from the usual location?                                                        |                 |
| What affect will there be on delivery of the Council's services?                                       |                 |

**Business Continuity Plan  
Incident Log Sheet**

**Name:**

**Date:**

|                                                      |
|------------------------------------------------------|
| Incident Details                                     |
|                                                      |
| Location                                             |
|                                                      |
| Who and What Council Service Areas are Affected      |
|                                                      |
| Information, Decisions and Actions (including times) |
|                                                      |

## APPENDIX C

## Business Continuity Plan Personal Log Sheet

**Name:**

[illegible]

**APPENDIX D**

**Business Continuity Plan  
Contact Details and Keyholders (Staff/Councillors)**

**CONFIDENTIAL**

Included are the personal contact details of members of staff and councillors, which must only be used in the event of an emergency and in relation to this plan. These details must not be disclosed to any other persons except with the direct approval of that individual, failure to comply with this will be in contravention of the General Data Protection Regulations and may result in disciplinary action being taken.

**Staff Personal Contact Details**

| Name     | Email                                                                          | Home Tel/ Mobile | Work                       |
|----------|--------------------------------------------------------------------------------|------------------|----------------------------|
| Abi Horn | <a href="mailto:parishclerk@sourtonpc.org.uk">parishclerk@sourtonpc.org.uk</a> | 07453561940      | 0183753179 (OTC Mon-Thurs) |

**Councillors Contact Details**

| Name            | Role       | Home Tel | Mobile |
|-----------------|------------|----------|--------|
| Caroline Mott   | Chair      |          |        |
| Sam Firth       | Vice Chair |          |        |
| Tim Kennedy     |            |          |        |
| Terry Southcott |            |          |        |
|                 |            |          |        |
|                 |            |          |        |

**APPENDIX E**

**Business Continuity Plan  
Suppliers Contact Details**

| Emergency                 | Supplier                        | Contact Number      |
|---------------------------|---------------------------------|---------------------|
| Police/Fire/Ambulance etc |                                 | 999 or 112          |
| Electricity               | Western Power                   | 0800 6783105 or 105 |
| Flooding                  | Environment Agency              | 0800 807060         |
| Gas Leak                  | National Gas Emergency Helpline | 0800 111 999        |
| Water Leak                | South West Water                | 0344 346 2020       |

Devon County Council:

Emergencies (out of hours)

Social Services: 0345 600 0388 or 0845 600 0388

Highways: 0345 155 1008

Animal welfare, petrol and explosives: 01392 499499

General enquiries

0345 155 1015 or 0845 155 1015

Email: [customer@devon.gov.uk](mailto:customer@devon.gov.uk)

West Devon Borough Council: General Enquiries

01822 813600

Emergencies (out of hours)

0800 1694217

## **Sourton Parish Council**

### **Closed Churchyard Policy**

#### **1. Responsibility for maintenance of a closed Churchyard.**

In November 2018, Sourton Parochial Church Council served a written request requiring the Parish Council to take responsibility for the areas of closed churchyard of the Church of St. Thomas a Beckett, Sourton, subject to Ministry of Justice Closure Orders dated 6<sup>th</sup> March 1902 and 2<sup>nd</sup> October 1998.

Sourton Parish Council therefore RESOLVED at the Parish Council meeting in December 2018 to continue to take responsibility for the maintenance of the closed section of churchyard to a decent standard, henceforth.

#### **2. The standard of maintenance**

There is no statutory guidance on the appropriate standard to which a closed churchyard should be maintained. Advice given to wardens is worth quoting-

*“To see that the churchyard is kept in a decent and fitting manor, that it is cleared of all rubbish, muck, thorns, shrub and anything else that may annoy parishioners when they come into it”*

Under section S.6 of the care of Churches and ecclesiastical jurisdiction measure 1991 (in force from 1<sup>st</sup> March 1993), the powers, duties and responsibilities of a PCC with respect to the care and maintenance of churchyards (both open and closed) extends to all trees therein, including those proposed to be planted. When the maintenance of the closed churchyard was transferred to Sourton Parish Council the responsibility for the trees was transferred as well, meaning that the council will have to keep the trees trimmed and will be responsible for lopping or felling trees which are dangerous or diseased. The trees remain under Faculty jurisdiction and a faculty must be sought prior to work being undertaken. Responsibility also extends to the repair of walls, fences and gates. Responsibility for maintenance includes the maintenance of paths which cross a churchyard up to the standard of “decent order” as well as cultivated and uncultivated areas

The ordinary maintenance of monuments and tombstones is not the responsibility of PCC or Sourton Parish Council but of the owners, who are usually the heirs of the person commemorated.

When work is necessary to a memorial for safety reasons, the Parish Council will take the following actions:

- Inform the PCC and incumbent
- Search Sourton PCC and Church records.
- Place waterproof notices on the memorials for a period of 12 months
- Place notices on Church and parish notice boards for a period of 12 months
- An advert in local newsletter (BASE)

- An advert on Sourton Parish Council website

Where the heirs or other owners cannot be traced, Sourton Parish Council will be responsible for dealing with dangerous monuments to keep the closed churchyard in decent order. The Parish Council is subject to Faculty Jurisdiction and will establish permission from the Church of England before any action is taken to repair or remove monuments.

The obligation to “maintain” memorials is likely to extend to a duty to ensure they do not topple over. Sourton Parish Council will take reasonable steps to ensure the health and safety of employees (contractors) working in churchyards in accordance with their duties under S.2 of the health and safety at work act 1974.

Sourton Parish Council will use the service of a qualified monumental mason for advice and site inspection as and when it considers it necessary to ensure the safety of monuments.

Responsibility for the churchyard does not include responsibility for any Church, Chapel, or other building (such as a shed or bier house) in or adjacent thereto.

Whilst responsible for the maintenance, Sourton Parish Council is not the owner or tenant of the churchyard. It cannot therefore prevent the incumbent and the PCC from exercising their powers over the churchyard (e.g. to allow the internment of cremated remains).

Sourton Parish Council will inspect the closed section a minimum of twice a year to establish what actions if any may be required to continue to maintain it in good order. A tree survey will be conducted every three years.

Sourton Parish Council will employ a person/persons to cut the grass during the growing season.

Sourton Parish Council will keep a ‘Churchyard record book’, detailing all actions and work undertaken to ensure safety of the closed Churchyard.

Sourton Parish Council has no obligation to undertake improvements to the churchyard.

# MEMORANDUM OF UNDERSTANDING

This is an agreement between Sourton Parish Council (PC) and Sourton PCC in regard to the maintenance and upkeep of the closed section of Churchyard, as shown on the attached map from closure order.

Since the official closure of the churchyard on 6<sup>th</sup> March 1902 and 21<sup>st</sup> October 1998 and the handing over of responsibilities, in December 2018, lies with the Parish Council. These are set out: [Local Government Act 1972](#) S.215(3) For ease, the PC will have direct responsibility for:

- Grass cutting
- Gates
- Tree surveys and subsequent works
- Gravestone/monument inspections
- Risk assessments

Concerns arising from any of the above will be conveyed to the Parish Vicar and a course of action agreed.

Sourton PCC will have responsibility for:

- Maintenance of paths, hedgerows and the open sections of the graveyard.

A report on the current state of the Churchyard will be undertaken, with photographs, to provide a starting point for future inspections, allowing for greater clarity.

|                            |              |
|----------------------------|--------------|
| This policy was adopted on | October 2026 |
| Signature<br>Of Chairman   | C Mott       |
| Date of next review        | October 2027 |

## **SOURTON PARISH COUNCIL – COMPLAINTS PROCEDURE.**

(Adopted from NALC model policy -LTN 9E – Dec 2018)

“A complaint is an expression of dissatisfaction about the council’s action or lack of action, or about the standard of a service, whether the action or service was taken by the council itself, or a person or body acting on behalf of the council”

**SPC guiding principles** We will:

- put you, the parishioner, at the heart of the process, showing understanding for the issues you raise
- Not respond to anonymous correspondence informing us of a complaint
- treat all complaints seriously, in a flexible and open-minded way, and do everything we can to deal with them efficiently and effectively while operating within our procedures.

- say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible
- aim to resolve complaints at the earliest opportunity
- keep you informed about the progress of your complaint
- make sure our responses are based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made.
- ensure our procedure is equally accessible irrespective of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, religion or belief
- use complaints information in a positive way to identify training requirements, improve processes, and share learning when appropriate to prevent similar occurrences in the future

| <b>Type of complaint:</b>                       | <b>Should be directed to:</b>                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Against a <b>decision</b> made by SPC           | <b>Clerk of SPC to be considered</b>                                                                                                                                                                                                                                                                                                                                                      |
| About a <b>procedure</b> carried out by SPC     | <b>Clerk of SPC to be considered by Governance &amp; Accountability Committee</b>                                                                                                                                                                                                                                                                                                         |
| About the <b>Conduct</b> of a councillor of SPC | <b>The Monitoring Officer, West Devon Borough Council, C/O South Hams District Council, Follaton House, Totnes, Devon, TQ9 5NE or <a href="mailto:Monitoring.Officer@swdevon.gov.uk">Monitoring.Officer@swdevon.gov.uk</a> Online submission form can be found here <a href="https://www.westdevon.gov.uk/standards-complaints">https://www.westdevon.gov.uk/standards-complaints</a></b> |

**Anyone wishing to make a complaint against Sourton Parish Council must: -**

- **Submit their complaint in writing within 6 months of the incident being complained about occurring.**
- **To Clerk Abi Horn, Coombe Farm, Sourton, Okehampton Devon EX20 4HQ or by email to [parishclerk@sourtonpc.org.uk](mailto:parishclerk@sourtonpc.org.uk)**

- The receipt of the complaint will be acknowledged, in writing, within **7 clear working days**
- Complaints will normally be dealt with by the Governance Committee as detailed on the Parish Council Website.
- SPC will endeavour to investigate the complaint within **30 days**
- After an initial meeting of the Governance Committee to consider the complaint, the complainant may be invited to make verbal representations to the committee (and is able to bring a friend to support them).
- SPC will endeavour to determine the complaint within **12 weeks**
- A Complainant has the right to appeal a decision made by Governance Committee, this will then be put to the Full Council.

## CHECK LIST

|     |                                                                                                                                                                                                                                                                                                    |  |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1.  | All formal complaints against a local council must be communicated in writing and within <b>6 months</b> of the conduct being complained of occurring.                                                                                                                                             |  |
| 2.  | The complainant must be asked at the outset to confirm if he wants the complaint to be treated confidentially. * See Appendix 1 re Confidentiality. The council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data. |  |
| 3.  | A complaint against a local council is personal to the complainant and should be treated as confidential unless the complainant confirms that they waive their right to confidentiality. Therefore, the Governance Committee meeting will exclude members of the public.                           |  |
| 4.  | The complaint should be acknowledged in writing with <b>7 clear working days</b> confirm that it will be treated confidentially, and state when the Governance Committee will be making its first consideration                                                                                    |  |
| 5.  | A summary of the complaint will be sent to the complainant and the cited councillor                                                                                                                                                                                                                |  |
| 6.  | The Clerk will inform the cited Councillor of the complaint and ask them to provide written comments on the complaint to be considered.                                                                                                                                                            |  |
| 7.  | The Governance Committee will investigate the facts of the complaint and collate relevant evidence.                                                                                                                                                                                                |  |
| 8.  | The Governance Committee may request additional information or clarifications (at any time) from the complainant; the councillor cited in the complaint, or the Clerk.                                                                                                                             |  |
| 9.  | If relevant, the complainant will be invited to attend a subsequent meeting of governance Committee to give further verbal representations and answer questions from the Council.                                                                                                                  |  |
| 10. | If possible, after considering all the evidence, the governance Committee will try to resolve the complaint informally with the complainant, without need for further legal proceedings.                                                                                                           |  |

|     |                                                                                                                                                                                                                                                             |  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 11. | An investigation/decision by the governance Committee should not be made informally if: -<br>a) A formal Investigation/decision would be in the public interest.<br>b) An allegation challenges a Councillor's honesty and integrity.                       |  |
| 12. | The complainant should be informed in writing within <b>7 clear working days</b> whether their complaint has been upheld. The council should give reasons for its decision together with details of any action taken by the council if this is appropriate. |  |
| 13. | Should the complainant not agree with the decision, they are entitled to appeal the decision by informing SPC <b>within 14 days</b> that they are making a formal complaint to the WDBC Monitoring Officer.                                                 |  |
| 14. | The result of the proceedings should be reported at the next full council meeting, after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.                                                                |  |

#### APPENDIX 1 – CONFIDENTIALITY

### Confidentiality

As a matter of fairness and in the interests of natural justice, a Councillor should normally be told at the outset that a complaint has been made and by whom.

However, there may be instances when the Complainant asks for his/her identity to be withheld.

Such requests will only be granted in **exceptional circumstances** and at the discretion of the governance Committee. The Governance Committee consult the DALC on this matter.

### The following criteria will be taken into account when considering requests for confidentiality:

- ☐ The Complainant has reasonable grounds for believing that s/he (or someone else) will be at a risk of physical harm if his/her identity is disclosed
  
- ☐ The Complainant is an officer who works closely with the Councillor and is afraid of the consequences to his/her employment if identity is disclosed

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|---------------------------|--------------|
| Date approved             | October 2026 |
| Signature of the Chairman | C Mott       |
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# **Sourton Parish Council Document Retention Policy**

## **1. Introduction**

The purpose of this document is to provide a policy framework to ensure that particular documents (or sets of documents) are dealt with in the correct manner; being retained and/or disposed of in the appropriate timescale.

This policy gives Sourton Parish Council a system for the management of paper and electronic records. The Parish Clerk is responsible for ensuring all Council documents are managed accordingly.

This policy is based on the National Association of Local Council's Legal Topic Note 40 'Local Councils' Documents and Records' dated August 2022, which outlines the legal requirements and recommended practice within the sector.

Where the policy refers to 'documents' this includes both paper and electronic copies.

## **2. Retention of Documents**

Certain important documents must be retained for clear reasons such as audit purposes, staff management, tax liabilities and the eventuality of legal disputes and legal proceedings. Subject to the above reasons, and any other statutory legislation for retaining documents, papers and records will be destroyed if they are no longer of use or relevant. If there is any doubt, the document will be retained until proper advice has been sought.

Attached at Appendix A to this policy is the appropriate document retention periods.

## **3. Retention of Documents for Legal Purposes**

Most legal proceedings are governed by the Limitation Act 1980 (as amended). This Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim. The reference to 'category' in the table refers to claims brought in respect of that category.

| <b>Category</b>                | <b>Limitation Period</b>                                                  |
|--------------------------------|---------------------------------------------------------------------------|
| Negligence (and other 'Torts') | 6 years                                                                   |
| Defamation                     | 1 year                                                                    |
| Contract                       | 6 years                                                                   |
| Leases                         | 12 years                                                                  |
| Sums recoverable by statute    | 6 years                                                                   |
| Personal Injury                | 3 years (adults)<br>3 years from reaching 18 years of age (young persons) |
| To Recover Land                | 12 years                                                                  |
| Rent                           | 6 years                                                                   |
| Breach of Trust                | None                                                                      |

Where the limitation periods above are longer than other periods specified in the Legal Topic Note, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories. Rent arrears, for example, could fall within the following three categories:

- Contracts (6 years) – because all tenancies and leases are contracts
- Leases (12 years) – if the arrears are due under a lease
- Rent (6 years) – if the arrears are due under a tenancy (and not a lease)

In these circumstances the relevant documentation will be kept for the longest of the limitation periods.

There is no limitation period in respect of trusts, and as advised by NALC, the Council will never destroy trust deeds and schemes and any other similar documentation it may hold.

It should be noted that some limitation periods can be extended. Examples include:

- Where individuals do not become aware of damage until a later date (eg in the case of disease)
- Where damage is hidden (eg to a building)
- Where a person is a child or suffers from a mental capacity
- Where there has been a mistake or where one party has defrauded another or concealed facts

Where the limitation periods above are longer than other periods specified in this policy, the documentation will be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories; in this instance, the longer period will be observed.

#### **4. Disposal**

All Council documents will be handled in the correct manner for their sensitivity.

Any document which contains data on an individual or contains personal data will be disposed of by shredder.

Any Councillors wishing to dispose of paper copies of confidential Council documentation will do so through the Clerk.

#### **5. Data Protection and Freedom of Information**

All documentation will be held in line with the most recent Data Protection and Freedom of Information regulations.

## APPENDIX A

| Document                                                             | Minimum Retention Period                                                                                                                                                                                    | Reason                                                                                 |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Minute Books (Council, Committees) and related papers                | Minutes – Indefinite<br>Meeting papers/reports – 6 years                                                                                                                                                    | Archive Management                                                                     |
| Receipt and payments account (s)                                     | Indefinite                                                                                                                                                                                                  | Archive                                                                                |
| Receipt books of all kinds                                           | 6 years                                                                                                                                                                                                     | VAT                                                                                    |
| Bank statements, including deposit/savings accounts                  | Last completed audit year                                                                                                                                                                                   | Audit                                                                                  |
| Bank paying-in books                                                 | Last completed audit year                                                                                                                                                                                   | Audit                                                                                  |
| Cheque book stubs                                                    | Last completed audit year                                                                                                                                                                                   | Audit                                                                                  |
| Quotations, tenders and purchase orders                              | 6 years                                                                                                                                                                                                     | Limitation Act 1980 (as amended)                                                       |
| Paid invoices                                                        | 6 years                                                                                                                                                                                                     | VAT                                                                                    |
| Paid cheques                                                         | 6 years                                                                                                                                                                                                     | Limitation Act 1980 (as amended)                                                       |
| VAT records                                                          | 6 years generally but 20 years for VAT on rents                                                                                                                                                             | VAT                                                                                    |
| Card Payment Facility transaction details                            | 6 years                                                                                                                                                                                                     | Audit                                                                                  |
| Wages book                                                           | 12 years                                                                                                                                                                                                    | Superannuation                                                                         |
| Insurance policies                                                   | While valid                                                                                                                                                                                                 | Management                                                                             |
| Certificates for Insurance against liability for employees           | 40 years from date of which insurance commenced or was renewed                                                                                                                                              | The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management |
| Personal data of employees                                           | 12 years after employment terminates - salary related information.<br>30 years after employment terminates - employment & engagement applications, references, identity verification, records of DBS checks | Superannuation<br><br>Safeguarding purposes                                            |
| Recruitment paperwork                                                | 1 year for all except successful candidate                                                                                                                                                                  | Recommended practice                                                                   |
| Accident books/reports                                               | 30 years from date of incident                                                                                                                                                                              | Insurance requirement (2024)<br>Limitation At 1980                                     |
| Statutory maternity, paternity and adoption pay records and evidence | 3 years after the end of the tax year in which the pay period ends                                                                                                                                          | Maternity and Parental Leave etc Regulations 1999                                      |
| Formal complaints made under the Council's Complaints procedure      | 6 years                                                                                                                                                                                                     | Management                                                                             |
| Freedom of Information and Subject Access requests received          | 6 years                                                                                                                                                                                                     | Management                                                                             |
| Planning Papers                                                      | As long as useful                                                                                                                                                                                           | Management                                                                             |

|                                                                                                                        |                                                                              |                                                 |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------|
| Information from other Bodies (eg NALC, SLCC, DALC, WDBC, DCC)                                                         | As long as useful and relevant                                               | Management                                      |
| General correspondence other than related to that listed within this Policy                                            | Along as is relevant and useful                                              | Management                                      |
| Grant Applications                                                                                                     | 6 years                                                                      | As other financial information                  |
| Councillor Register of Interests, statutory forms including Declarations of Office, emails and any other documentation | Whilst in Office                                                             | Management<br>Insurance                         |
| Audit Documentation and Annual Return                                                                                  | Indefinitely (Annual return must be publicly accessible for minimum 5 years) | Accounts & Audit Regulations 2015 (SI 2015/234) |
| Budget                                                                                                                 | Indefinitely                                                                 | Archive                                         |
| Assets                                                                                                                 | Documentation from gifts to be kept as long as is relevant and useful        | Management<br>Audit                             |
| Safeguarding - policy revisions, training records, records of allegations or referrals and action taken                | 30 years from date of amended policy, training or incident/allegation date   | Insurance Requirement                           |

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|---------------------------|--------------|
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# Sourton Parish Council

## Equal Opportunities Policy

### Introduction

Sourton Parish Council is committed to providing the highest quality of provision and service and recognises that the implementation of an effective Equal Opportunities Policy is an integral part of such an approach.

The Council, as a corporate body, has responsibilities as an employer, a service provider and a public authority, but both members and employees as individuals also have responsibilities as well as rights.

The Council will treat all its employees, partners and customers with dignity and respect, free from discrimination, victimisation and harassment.

### Legal position

Under the Equality Act 2010 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

These are known as “protected characteristics” in section 4 of the 2010 Act.

Section 149 of the 2010 Act imposes a Duty on Parish Councils to take into account:

- The need to eliminate discrimination and harassment, victimisation and any other conduct that is prohibited by or under the Act;
- To advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- To foster good relations between those who share protected characteristics and those who do not.

## Our commitment

Sourton Parish Council

- understands its obligations under the Equality Act 2010
- is fully committed to its duty, imposed by Section 149 of the 2010 Act
- is committed to the principle of equal opportunities and declares its opposition to any form of less favourable treatment, whether through direct or indirect discrimination, on the grounds of the protected characteristics as specified in the Equality Act 2010
- is an Equal Opportunities employer, provider of services and contractor. It is committed to the promotion, maintenance and protection of the rights of individuals. The Council is committed to making full use of the talents and resources of its employees.

The Council will ensure that all recipients of the services delivered directly by the Council are guaranteed the same opportunity.

All policies of the Council will be designed to support the principles and practices of equal opportunity, to foster a fully integrated community and maintain racial harmony.

## The Council as an Employer

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

All employees, whether full-time, part-time, fixed contract, agency workers or temporary, 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.

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 Council will encourage and develop all employees to support and carry out the requirements of the Equal Opportunities Policy.

Breaches of our Equal Opportunities Policy will be regarded as misconduct and could lead to disciplinary proceedings.

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.

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 Council as a direct service deliverer

The Council's clients have the right to expect fair and non-discriminatory treatment whilst participating in or receiving any of the Council's services or activities. All aspects of the Council's Equal Opportunities Policy impact on the manner in which it directly delivers services to and for its residents.

The above requirements apply to all services and activities of the Council.

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|---------------------------|--------------|
| Date approved             | October 2026 |
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# Sourton Parish Council

## MEETING ATTENDANCE POLICY

This policy is designed to promote efficient administration of meetings, avoid inquorate meetings, and permit timely rescheduling of meetings where necessary. It will also provide accountability for Members.

### Apologies for Absence

Members shall give as much advance notice as possible of absence from all meetings either by mentioning at a previous meeting, email, or telephone to the Parish Clerk.

The deadline for receipt of an apology for absence shall be 2 hours prior to the meeting commencing.

Apologies for absence shall be made directly in advance and not via a third person such as another Member at the meeting.

### Extended Periods of Absence

A Councillor who does not attend any meetings (including virtual meetings) for a period of six consecutive months will automatically cease to be a Member of the Council unless the reason for absence is approved by the Council before the end of the period<sup>1</sup>.

If absence becomes necessary for extended periods, Councillors are advised to submit a written request via the Parish Clerk giving the reason for absence, for approval by the Council.

### Recording and Publishing Attendance

For all meetings of the Council, the Clerk will record Members' attendance, or non-attendance with or without apologies, The Minutes of these meetings will show Members in attendance and Members absent with and without apologies<sup>2</sup>.

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<sup>1</sup> · LGA 1972, s85(1)&(2)

<sup>2</sup> · LGA 1972, Sch12, para 40.

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|------------------------------|--------------|
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