



Fair Oak & Horton Heath Parish Council

2 Knowle Park Lane, Fair Oak, Eastleigh, SO50 7GL

Telephone: (023) 8069 2403 email: enquiries@fairoak-pc.gov.uk

SUMMONS

Dear Member

12 November 2019

You are hereby summoned to attend a meeting of the FULL COUNCIL at the Parish Offices, 2 Knowle Park Lane, Fair Oak on **Monday, 18 November 2019** at **7.00 p.m.** *or at the conclusion of the public participation period.

Melanie Stephens

Melanie Stephens
Parish Clerk

PUBLIC PARTICIPATION: *If required, the meeting will be preceded by a public participation period of up to 15 minutes, where members of the public are entitled to address the Council on issues relevant to the business of the Parish Council.

AGENDA

APOLOGIES

1 DECLARATIONS OF INTEREST

To receive declarations of interest and dispensation requests. (The nature of the interest must also be specified.)

2 MINUTES OF MEETINGS (PAPER A, PAGES 3-11)

- a) To confirm the minutes of the Council meeting held on 21 October 2019;
- b) To approve the minutes and recommendations therein, of the Finance Committee meeting held on 28 October 2019; and
- c) To approve the minutes and recommendations therein, of the Asset Committee meeting held on 11 November 2019.

3 REPORT OF THE RESPONSIBLE FINANCE OFFICER (RFO) (REPORT B, TO FOLLOW)

To approve the report of the RFO and note cheque signing and BACS payments.

4 DATA PROTECTION (REPORT C, PAGES 12-55)

To approve the adoption of data protection policies and procedures.

5 HR POLICIES (REPORT D, PAGES 56-72)

To approve the adoption of essential HR policies and procedures.

6 FORWARD PLAN (REPORT E, PAGES 73-75)

To consider the Council's forward plan and make changes as necessary.

7 VILLAGE SIGNS PROJECT/TASK & FINISH GROUPS – VERBAL UPATE

To receive a verbal update on the work of the village sign project & task & finish groups.

8 CHANGE OF MEETING DATE

RECOMMENDED:

That the Annual Council meeting schedule for 18 May 2020 be rescheduled to take place on Monday 11 May 2020.

9 MEMBERSHIP OF COMMITTEES/OUTSIDE BODY VACANCY

To fill a vacancy on the following Committees: - Finance Committee, Planning Committee and the Allotment Association Outside Body Representative.

To: Councillors

D Abbott
S Anderson
P Barrett
C Bird
N Couldrey

H Douglas (Chairman)
K Forfar
T Higby
Vacancy
H McGuinness

T Mignot
D Scott
P Spearey (Vice-Chairman)
B Tennent
G Warrillow

Officers

L Greenslade (Deputy Clerk)
M Stephens (Clerk)



Fair Oak & Horton Heath Parish Council

A

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**Minutes of the Full Council meeting
held on Monday 21 October 2019 at 7.00 pm
at 2 Knowle Park Lane, Fair Oak**

P – present, Ab – absent, Ap – apologies.

P	Cllr Abbott	P	Cllr Douglas	P	Cllr Mignot
P	Cllr Anderson	P	Cllr Forfar	P	Cllr Scott
P	Cllr Barrett	P	Cllr Higby	P	Cllr Spearey
Ap	Cllr Bird	Ab	Cllr Jermy	P	Cllr Tennent
P	Cllr Couldrey	P	Cllr McGuinness	Ab	Cllr Warrillow

Officers in attendance: Ms M Stephens, Clerk & Mrs L Greenslade Deputy Clerk.

PUBLIC SESSION

A representative of the Fair Oak Cricket Club addressed Members on the affordability of the seasonal cricket fee which was applied this financial year and requested that the Council consider reducing the rate as part of their 2020/2021 budget. The Chairman agreed that this would be discussed at the next Asset meeting on 11 November.

Concerns were also raised regarding the narrow paths and the speed of HGVs along Botley Road leading to the local schools. The Chairman instructed the Clerk to report this to the Policing team.

52 DECLARATIONS OF INTEREST

Cllrs Couldrey & Douglas in Minute No. 55.

53 MINUTES OF MEETINGS (PAPER A)

RESOLVED:

That the minutes of the Full Council meeting held on 16 September 2019 be signed by the Chairman as a correct record

54 STREET PASTORS

Liz Richardson, Fair Oak, Horton Heath & Bishopstoke Street Pastor Co-ordinator gave a brief presentation on the background of the Street Pastors and the current work they undertook in the villages. The Street Pastors had been active for approximately 10 years and in that time they had grown to a team of sixteen. Four members of the team, on a rotational basis, visited various locations around the Parish every Friday evening engaging mostly with younger people.

The Street Pastors were now also an active and valuable member of the local Community Safety Action Group. Sharing key information to statutory partners and responding to requests from the Parish Council regarding areas of concern.

The Ascension Trust who are the governing body of the Street Pastors had indicated their intention to increase fees by 15%. Various options had been explored to meet this increased cost including merging with the Eastleigh or Winchester group.

The Chairman said the Parish Council in seeking to support the valuable work of the Pastors and would consider this as part of their grant contribution setting, at its next Finance meeting. The Chairman and other members of the Council thanked the Street Pastors for their commitment to the community.

55 PLANNING

Cllr Couldrey disclosed a pecuniary interest as a member of Eastleigh Borough Council. He did not take part in the debate and did not vote.

Cllr Douglas disclosed a pecuniary interest as the developed was sited to the boundary of her premises. She did not take part in the meeting for consideration of this item and did not vote.

The Chairman confirmed the email circulated by the Clerk, that due to the fact that the Planning Committee held on 7 October had been inquorate, the Chairman had submitted comments on a number of applications on behalf of the Parish Council which required comments by 8 October. These had been circulated to all members for information. In order to avoid the Committee being inquorate, future meetings would be held 30 minutes before all Full Council meetings.

Members considered the applications below: -

Application No: [F/19/86328](#)

Site Address: Brigadier Gerard, Botley Road, Horton Heath, SO50 7DQ

Description: Construction of 4No. three bedroom semi-detached dwellings and 1No. four bedroom detached dwelling with associated amenity space, parking, landscaping and new access from Botley Road.

Comment: Members raised no objection to the housing development but reiterated their previous decision that the Parish Council would not take on the woodland to manage under any agreement.

Application No: [F/19/86429](#)

Site Address: Tesco Express, Service Station, Winchester Road, Fair Oak

Description: Proposed modular warehouse extension with chiller unit and new timber fence to match existing and suit site layout

Comment: No objection

Application No: [H/19/86588](#)

Site Address: Sunnymede, Botley Road, Horton Heath, SO50 7DN

Description: Detached garden office and store

Comment: No objection

Cllr Spearey took the Chair.

Application No: V/19/86404

Site Address: Pembers Hill Farm, Mortimers Lane, Fair Oak, SO50 7EA

Description: Removal of clause giving the right to vary the mix of the affordable housing dwellings and tenures now that an Affordable Housing. Contract has been entered into and amendment of the 'mortgagee in possession' clauses to ensure consistency with the Swaythling Housing Society Ltd's funding and security arrangements. There is no change to the number of affordable housing dwellings.

Comment: No objection

Application No: [H/19/86311](#)

Site Address: The White House, Botley Road, Fair Oak, SO50 7AN

Description: Proposed car port

Comment: No objection

RESOLVED:

That the comments set out above, be submitted to the Borough Council.

Cllr Douglas resumed the Chair.

56 FINANCE REPORT (REPORT B)

Members considered the report of the Responsible Financial Officer as set out in Report B.

RESOLVED:

- a) That the contents of the report be noted; and
- b) That BACS payments be authorised.

57 EXTERNAL AUDITOR'S REPORT (REPORT C)

Members noted the comments made by the External Auditor and asked the Clerk to pass on thanks to the Responsible Finance Officer for all her hard work in preparing the yearly accounts.

RESOLVED

That the comments received in the External Auditor's report be noted.

58 BUGGYFIT REQUEST (REPORT D)

Members considered a request, as set out in Report D, from a resident to set up a "buggyfit" group at New Century Park.

RESOLVED:

That the Parish Council raised no objection to the use of New Century Park and supported the initiative.

59 HORTON HEATH COMMUNITY CENTRE

The Clerk outlined proposals to purchase a stainless-steel cupboard which included a "prep" area for the kitchen at Horton Heath Community Centre, at a cost of £620.

RESOLVED:

That a stainless-steel cupboard be purchased, using ear marked reserves.

60 CLIMATE CHANGE TASK & FINISH GROUP

Members discussed establishing a Task & Finish Group to investigate how the Parish Council could reduce its carbon footprint. The Clerk suggested inviting two members of the community to serve on the group.

RESOLVED

- a) That a Task & Finish Group consisting of Cllrs Abbott and Forfar be set up; and
- b) That the Clerk advertise for two community vacancies to serve on the Group.

61 COMMUNITY INVESTMENT PROGRAMME (CIP) (REPORT E)

RESOLVED:

That the contents of the CIP list as set out in Report E be noted.

62 FORWARD PLAN (REPORT F)

RESOLVED:

That the Forward Plan as set out in Report F be agreed.

This was all the business and the meeting closed at 7.55 pm.

Signed Chairman



Fair Oak & Horton Heath Parish Council

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**Minutes of the FINANCE COMMITTEE meeting
held on Monday 28 October 2019 at 7.00 pm
at 2 Knowle Park Lane, Fair Oak**

P – present, Ab – absent, Ap – apologies.

P	Cllr Barrett	A	Cllr Jermy
P	Cllr Couldrey	AP	Cllr McGuinness
Ap	Cllr Douglas	P	Cllr Spearey
P	Cllr Higby (in the Chair)	AP	Cllr Tennent

Officers in attendance: Ms M Stephens, Clerk

Also in attendance: Cllr Bird

PUBLIC PARTICIPATION

No members of the public were present.

1 ELECTION OF VICE-CHAIRMAN

RESOLVED:

That Cllr Higby be elected Chairman of the Committee for the ensuing municipal year.

In the absence of the Chairman of the Committee, Cllr Higby took the Chair.

2 DECLARATIONS OF INTEREST

No declarations of interest were made by members in connection with an agenda item.

3 MINUTES (PAPER A)

RESOLVED:

That the minutes of the 11 July 2019 be noted.

4 BUDGET REQUESTS FROM ASSET COMMITTEE (REPORT B)

The Committee considered the 2020/21 budget requests from the Asset Committee as set out in Report B.

Members discussed budget requests as set out in paragraph 3.1 or report B. Members were happy to support all the requests in principal, subject to further investigation regarding the electric vehicle charging points and the public open space strategy.

RECOMMENDED:

That with the exception of the electric charging points and the play area strategy, the budget requests set out in paragraph 3.1 of Report B be recommended to the Council for inclusion in the 2020/21 budget.

5 MID-TERM FINANCIAL MONITORING (REPORT C)

The Committee considered the mid-term financial position of the Council as at October 2019.

Members were informed that the budget figures shown at appendix 1, presented a snapshot view only.

Members noted that further discussion would need to take place regarding the use of general and ear marked reserves moving forward.

Officers were currently examining work process to streamline procedures and highlight any efficiencies. Officers were also investigating income opportunities. The outcome of these would be presented to the Committee, as part of the budget setting process, at its next meeting in November.

RESOLVED:

That the report be noted.

6 WORK PROGRAMME (REPORT C)

RESOLVED:

That the work programme be approved subject to the inclusion of public sector fund at a future Committee meeting.

Signed Chairman



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**Minutes of the ASSET COMMITTEE meeting
held on Monday 11 November 2019 at 7.00 pm
at 2 Knowle Park Lane, Fair Oak**

P – present, Ab – absent, Ap – apologies

Committee Members

Ap	Cllr D Abbott	P	Cllr K Forfar
P	Cllr S Anderson	P	Cllr D Scott (Chairman)
Ap	Cllr C Bird (Vice-Chairman)	P	Cllr P Spearey
P	Cllr H Douglas	Ab	Cllr G Warrillow

Other Members present: Cllrs Couldrey & McGuinness

Officers in attendance: Ms M Stephens, Clerk, Mrs L Greenslade, Deputy Clerk & M Johnson, Operations Manager.

PUBLIC PARTICIPATION

A representative of the Fair Oak Cricket Club addressed Members on the affordability of the seasonal cricket fee which was applied this financial year and requested that the Council consider reducing the rate £2,500, as part of their 2020/2021 budget. He gave a background of the club's activities and member numbers. The club had been accredited a "silver" rating and to achieve this had involved £4,000 from funds to provide extra work on the cricket square. The Chairman confirmed that this request would be considered at the next Finance Committee meeting during the budget process.

18 DECLARATIONS OF INTEREST

No declarations of interest were made by members in connection with an agenda item.

19 MINUTES (PAPER A)

RESOLVED:

That the minutes of 9 September 2019 be noted.

20 PROPERTY MATTERS

The Committee received a verbal presentation (attached as Appendix 1 to these minutes) from the Operations Manager on the current status for all parish properties and public open space. The following issues were highlighted and discussed: -

Woodlands – Investigation would be undertaken with the contractor (before the end of the defects period) regarding the defects in the Oak hall flooring.

Cleaning at Woodlands, Horton Heath Community Centre & the Parish Office – officers had undertaken a review of the current cleaning arrangements in light of increasing costs and due to the fact that the current contractor for Horton Heath Community Centre had given notice to quit. Discussions would take place with the

relevant staff regarding undertaking all cleaning in-house. This would be discussed formally at the Finance Committee including a temporary review (6-months) period should this be agreed.

Allotments – owing to the water-logged condition of plot C15 at Knowle Park this would be used for wildflowers.

Knowle Park (ear marked cemetery land) – Officers would seek professional advice regarding the suitability of the land as cemetery space. Findings would be reported back to the next Committee.

RESOLVED:

That the presentation be noted.

21 PEMBERS HILL PLAY AREA (REPORT B)

Members discussed the future transfer of Pembers Hill Play area as outlined in Report B.

After receiving further clarification from Eastleigh Borough Council regarding the section 106 obligations as well as the opportunities this could bring to the Parish to develop innovative play provision; it was:

RESOLVED:

- a) That the Parish Council accept the transfer of the public open space at Pembers Hill Drive; and
- b) That following successful transfer, the Clerk and the Operations Manager commence the design of the area.

22 GARAGES AT SHORTS ROAD AND FAIR OAK CEMETERY (REPORT C)

Members discussed the proposals to demolish the garage at the cemetery as set out in Report C.

The Clerk asked for the proposals to rent out the garage at Shorts Road to be deferred pending further investigation on the land.

RESOLVED:

That the garage at the Cemetery be demolished at a cost of approximately £260.

23 CCTV PROVISION (REPORT D)

Members discussed the provision of CCTV Fire & Intruder Alarm to one provider.

RESOLVED:

- a) That the Council contract out its CCTV and alarm provision to Firecare at a cost of £1,830 per annum; and
- b) That further investigations be undertaken regarding the future monitoring of the CCTV footage by an outside provider as well as digital updates and officers submit their findings to the next Committee meeting.

24 MEADOWSWEET WAY PLAY AREA

Members considered the future options for the Meadowsweet Way play area and the other open space around the Community Centre following the Play Inspection report.

RESOLVED:

That the Clerk & Operations Manager report back to future committee following examination of the current provision including location and future options.

25 COMMUNITY LIBRARY

The Clerk summarised the feedback on the community library at New Century Park which had been positive. She suggested a second library for Horton Heath Community Centre be considered.

It was suggested a hard-standing platform be provided to alleviate the grass from turning to mud. As well as an additional library for Crowdhill Green residents.

RESOLVED:

- a) That two further community libraries be constructed, one for Horton Heath Community Centre and one for Woodlands Community Centre; and
- b) That hard standing be provided for the libraries.

26 PARISH COUNCIL NOTICEBOARDS

The Clerk gave a verbal report on the current noticeboards and asked Members to consider a reduction in the number provided given the changes in which residents now accessed information and for the potential to reduce the Council's carbon footprint.

Survey results had shown that only 40% of residents accessed the noticeboards with 60% of residents accessing news via alternative methods. Furthermore 80% of residents had also indicated their support for the increased use in modern technologies and reduction of the Council's carbon footprint.

Members felt that traditional methods of communication should be retained.

The Clerk advised that given the changing demographic of the area, and the need to ensure that engagement remained relevant, further work was needed to examine how this Council engaged with its local community.

RESOLVED:

That the current noticeboard arrangement would remain.

27 WORK PROGRAMME (REPORT E)

RESOLVED:

That the work programme as set out in Report E be agreed subject to the agreed amendments.

This was all the business and the meeting finished at 8.45 pm.

Signed Chairman

Attachment:

Appendix 1

DATA PROTECTION

1. PURPOSE

- 1.1 To adopt data protection policies and proformas to ensure GDPR compliance.

2. BACKGROUND

- 2.1 In August 2019 a data protection assessment was conducted by Jarvis Fields and independent Data Protection expert. The assessment included an interview with the Clerk and a robust review of the Council's current policies, procedures, registers and privacy notices. The current compliance position was matched against the applicable legislation, audit parameters used by the Information Commissioner's Office and best practice guidance for the local government sector.
- 2.2 The assessment found that whilst there is was data protection and privacy accountability framework in place at the Council, there were significant gaps in both the policy framework and the procedures that exposed the Council to ongoing risk that needed to be addressed. An action plan was produced to identify the individual areas in need of attention with a suggested timeframe for the tasks required according to the level of associated risk. The Council approved the implementation of the action plan at its meeting on 16 September.
- 2.3 The key elements of the action plan included training sessions for both staff and councillors which too place in early October. Also included in the plan was a review of key documents which has now been undertaken. The policies, procedures and registers attached at appendix 1 to this report having been reviewed by the independent expert now need to be approved by Full Council for formal adoption.
- 2.4 Other risks identified in the assessment included the potential conflict of interest situation for the Clerk as both the operational head and Data Protection Officer (DPO) and the mechanisms regarding breach procedures in the DPO's absence. In order to mitigate the risks involved in the Clerk also holding the DPO role, it is suggested that this DPO role be outsourced to a suitably qualified expert. Provision in the 2020 budget has been made to that effect.

3. NEXT STEPS

- 3.1 Once the policies, registers and procedures are approved they can be imbedded in the working mechanisms of the Council.
- 3.2 The Finance Committee will consider the financial implications of outsourcing the DPO role and include this cost in next year's and future years budgets.

4. RECOMMENDATIONS

- 4.1 That the data protection policies attached as Appendix 1 to this report be approved and implemented with immediate effect.

For further information contact:

Melanie Stephens, Parish Clerk
clerk@fairoak-pc.gov.uk

Background papers:

Full Council Agenda papers 16
September 2019

Data Protection Policy

Fair Oak and Horton Heath
Parish Council

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1. Introduction, Purpose and Scope

Introduction

As a Data Controller, Fair Oak and Horton Heath Parish Council (the "Council") is committed to protecting personal data processed in the performance of its duties. The Council's registration number with the Information Commissioner's Office is Z8754409. This registration is renewed annually in January each year.

To meet privacy and data protection commitments and obligations under the applicable data protection laws, the Council has implemented a privacy programme based on the data protection principles and governance obligations described in this Data Protection Policy ("Policy").

The Policy forms part of the Council's accountability framework and the Council regards the commitment to data protection as a key component of its enterprise risk management strategy and expect all Councillors, staff, volunteers and partners to apply this Policy. Infringements of this Policy will put the Council at risk of fines or enforcement action thereby limiting its ability to carry out its responsibilities and acting in the best interest of residents.

Purpose

This Policy provides guidance on the data protection principles and related procedures, processes and controls that are required when Fair Oak and Horton Heath Parish Council processes personal data.

Scope

This Policy applies to all those involved with the Council.

The Council expects its partners and vendors to comply with the general data protection principles, their own data protection policies, applicable legislation and aspects relating to data protection contained in contracts and agreements.

This Policy applies to both automated and manual data processing activities.

Reference in the Policy to data protection legislation means the UK Data Protection Act 2018 which incorporates the General Data Protection Regulation (GDPR 2016/679), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the General Data Protection Regulation. Account has also been taken of best practice advice from the Information Commissioner's Office (ICO).

2. Key Definitions

Personal Data means any data relating to an identified or identifiable natural person. This can include (but is not limited to) names, location data, email address, photographs, IP address, account details, credit card numbers, staff records and correspondence to and from an individual.

Special Category Data means personal data revealing an individual's racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; biometric (e.g. fingerprints or facial recognition) or genetic information for the purposes of identification and information about an individual's health and sex life or sexual orientation. Information on criminal convictions or offences (including allegations) and information on children and vulnerable individuals is regarded as sensitive data.

Processing means any operation performed on personal data, such as collection, recording, storage, retrieval, use, combining it with other data, transmission, disclosure or deletion.

Data Subject means the individual to whom the personal data relates.

Personal Data Breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Data Controller means the party which determines the purposes and means of the data processing.

Data Processor means the party processing personal data on behalf of a Controller, under the Controller's instructions.

Filing System means any structured set of personal data which is accessible according to specific criteria, whether held by automated means or manually and whether centralised, decentralised or dispersed on a functional or geographical basis.

Council Responsibilities include all the duties and agreed objectives of Fair Oak and Horton Heath Parish Council. It further includes the hosting of events, promoting the parish, information gathering, compliance with legal and governance obligations, enforcing policies and procedures, recording transactions, employment obligations, the handling of casework, financial and administrative tasks and other actions in the general running of the Council.

Privacy by Design means the Council shall implement and maintain a process such that any new processing activity, tool or functionality involved in the processing of personal data is designed and built in a way that allows it to comply with the Data Protection Principles.

Direct Marketing means any marketing communication to an identified individual. Blanket marketing such as leaflets, advertisements and magazine inserts are not direct marketing.

3. Data Categories

Fair Oak and Horton Heath Parish Council processes personal data to carry out its responsibilities and pursue Council objectives.

The personal data the Council processes includes name, surname, physical/postal address, email address, business email address, telephone number, photographs, bank account details, credit card details, CCTV footage, IP address, driver's licence, national insurance number, passport, staff records, etc.

3.1 Special Category and Sensitive Data

The Council currently processes only a very limited amount of personal data classified as special category data. This includes health information about staff such as sick notes and the political opinions of some Councillors through the Register of Members' Interests and Statement of Persons Nominated public declarations.

Sensitive data is occasionally processed for the purposes of Disclosure and Barring Service (DBS) checks.

The Council only holds limited data on children such as pictures from events obtained through parental consent and organised youth activities hosted by other organisations.

If in future the Council has the need to expand the processing of special category data and an exemption does not apply, explicit consent will be obtained from the individuals concerned.

The Council will ensure that the appropriate safeguarding measures are applied as required. Privacy notices will be updated to inform the individuals of how their data will be used and the processing will be reflected in the Council's Retention Schedule.

4. Data Protection Principles

Fair Oak and Horton Heath Parish Council complies with the following Data Protection Principles:

- a) **Fairness and Transparency:** Personal data is processed fairly and individuals are informed how and why their data is processed.
- b) **Lawful Processing:** Personal data, including special category and sensitive personal data, is processed lawfully with a valid legal basis.
- c) **Purpose Limitation:** Personal data is only collected for a specified, explicit and legitimate purpose and any subsequent processing is only done if it is compatible with the original purpose, or consent has been obtained from the individual, or the processing is otherwise permitted by law.
- d) **Data Minimisation:** Only personal data that is adequate, relevant and limited to what is necessary in relation to the purpose for the processing is collected.
- e) **Data Accuracy:** The Council takes reasonable steps to ensure that personal data is accurate and kept up to date.
- f) **Individual Rights:** Individuals are given the opportunity to exercise their rights as set out in Section 8 of this Policy.
- g) **Storage Limitation:** Personal data is kept only for as long as it is needed for the purposes for which it was collected or for further permitted purposes. Data storage is done in compliance with the Council's Retention Policy set out in Section 7 of this Policy and the Council's Retention Schedule in Appendix 7.
- h) **Data Security:** Appropriate security measures are used to protect personal data including carrying out a due diligence exercise where third parties are processing personal data on the Council's behalf.
- i) **Accountability:** The Council ensures that it has appropriate policies, procedures, practices and controls in place to comply with, and are able to demonstrate compliance with, these Data Protection Principles.

In addition, taking into consideration the technology available to the Council and the cost, the Council strives to comply with the principles of Data Protection by Design and by Default.

5. Legal Basis for Processing

Fair Oak and Horton Heath Parish Council processes personal data according to the Lawful Processing Principle (outlined in Section 4) and ensures that at least one of the following conditions apply:

- a) **Consent:** The individual has given consent for the processing of the personal data for one or more specific purposes. The individual was given enough information to understand what the consent was for and the request was presented in a clear manner that was distinguishable from other matters. The consent was given freely and was an unambiguous indication of the individual's wishes. Consent can be provided by written or oral statement but is not gained through silence, pre-ticked boxes or inactivity. When seeking consent, the Council ensures that consent is informed by always identifying the organisation and the purpose of the processing. The Council keeps a record of the consent in line with its Retention Policy and ensures that an individual can withdraw their consent at any time including when they have opted-in to receiving direct marketing communications.
- b) **Performance of a Contract:** The processing is necessary for the performance of a contract to which the individual is party or in order to take steps at the request of the individual prior to entering into a contract.
- c) **Legal Obligation:** The processing is necessary for compliance with a legal obligation the Council is required to meet.
- d) **Vital Interests:** The processing is necessary to protect the individual or another person in order to save their life or in a serious medical situation where the person is unable to give consent.
- e) **Public Interest:** The processing is necessary to perform an official public function or task that is in the public interest.
- f) **Legitimate Interest:** The processing is necessary for the purposes of the legitimate interests of the Council or a third party. This does not apply where the Council's interest is overridden by the interests or fundamental rights and freedoms of the individuals especially when the data subject is a child. The Council applies purpose, necessity and balancing tests to determine if it meets the requirements for the use of this legal basis and keeps a record showing that proper consideration had been given to the interests of the individuals concerned.

Fair Oak and Horton Heath Parish Council will inform individuals of the lawful basis used through privacy notices as set out in Section 11.

6. Training

In keeping with the Accountability Principle and as part of the Council's accountability framework demonstrating compliance, all Council staff, Councillors and volunteers are trained on their data protection responsibilities.

Training is provided on the policies, procedures and controls in place and the general data protection principles. Individual volunteers are trained according to need or the specialist areas they support e.g. assisting at events such as the Fair Oak Carnival and Christmas events.

Training is always provided as part of an induction programme for new staff and Councillors.

Staff in positions where a high volume of personal data is processed are provided with ongoing training to keep their knowledge current and are given guidance and advice specific to their areas of responsibility.

The Council also ensures that staff and Councillors are kept up to date on new legislation and best practice through an ongoing awareness programme overseen by the Data Protection Officer.

The Council's Training Register is kept up to date by the Data Protection Officer. See Appendix 4 for the Training Register.

7. Data Retention Policy

Fair Oak and Horton Heath Parish Council applies the Storage Limitation Principle and ensures that data is not kept for longer than is necessary for the purpose it was collected. This applies to all staff, Councillors and volunteers.

The Council's Retention Schedule (see Appendix 7) outlines the storage periods for the personal data stored. The retention periods vary according to legal obligations and to meet the Council's business needs.

In keeping with the Accuracy Principle, the Council takes reasonable steps to review the personal data stored every two years or according to the time limits set in the Retention Schedule.

The Data Protection Officer keeps the Retention Schedule up to date and staff and Councillors are required to follow the retention periods specified. If there is a change in legislation or the specified retention periods are no longer valid, the Data Protection Officer will make the required changes to ensure ongoing compliance.

The destruction and deletion of files containing personal data take place according to the Schedule. Paper files are securely stored until they are destroyed.

Manual document destruction is performed in-house and digital document destruction is performed by deleting files from all platforms, databases, backup systems and hard drives.

Processors used by the Council are required to follow the personal data destruction arrangements outlined in agreements.

8. Data Subject Rights and Access Requests

Fair Oak and Horton Heath Parish Council ensures that individuals can exercise their rights as set out in legislation.

Individuals can make requests via phone, email, social media, letter or orally to a member of staff or a Councillor. The Data Protection Officer will respond on behalf of the Council.

8.1 Individual Rights

Data protection legislation stipulates the following rights:

8.1.1 Right of Access: Individuals have the right to be informed of whether personal data is held concerning them, the purpose for processing the data, the categories of data including whether the data is special category personal data, the recipients or categories of recipients that the data is shared with, the period for which the data is stored (and how that is determined) and information on the source of the data if not provided by the individual. If personal data is transferred to a third country the individual has the right to be informed of the safeguards in place. Individuals also have the right to know whether they are subject to automated decision-making such as profiling.

The Council's privacy notices make individuals aware of their rights including the right to lodge a complaint with the Information Commissioner's Office (ICO) and the right to request erasure, rectification or restriction which will also be mentioned in any response given to individuals exercising this right.

Fair Oak and Horton Heath Parish Council will provide a copy of the personal data undergoing processing free of charge. If more than one copy is requested or the request is manifestly unfounded or excessive, a reasonable fee can be charged.

8.1.2 Right to Rectification: Individuals have the right to have inaccurate data corrected or incomplete data completed. When a request is received exercising this right, the request needs to be sent to the Data Protection Officer as the individual responsible for ensuring the accuracy of the personal data. The individual making the request will be informed that it has been actioned on all Council records and that partners and processors have been informed to do the same.

8.1.3 Right to Erasure: Sometimes known as the "right to be forgotten", individuals have the right to have personal data erased in certain circumstances.

Individuals have the right to request that the Council deletes all personal data in the following circumstances:

- The personal data is no longer necessary for the purpose for which it was originally collected or processed;
- The Council is relying on consent as its lawful basis for holding the data and consent is withdrawn and there is no other legal ground for processing;
- The Council is relying on legitimate interests as its legal basis for processing the data, the individual objects to the processing of their data and there is no overriding legitimate interest to continue this processing;
- The Council is processing the personal data for direct marketing purposes and the individual objects to that processing;
- The Council has processed the personal data unlawfully;
- The personal data has to be deleted to comply with a legal obligation; and
- The Council has processed the personal data to offer information society services to a child.

The **Right to Erasure** does not apply when the processing of the personal data is necessary in the following circumstances:

- To exercise the right of freedom of expression and information;
- To comply with a legal obligation;
- For the performance of a task carried out in the public interest or in the exercise of official authority;
- For archiving purposes in the public interest, scientific or historical research purposes or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; and
- For the establishment, exercise or defence of legal claims.

Although not likely to directly apply to the Council, legislation also specifies that the **Right to Erasure** will not apply in the case of special category data in the following circumstances for reasons of public health:

- If the processing is necessary for public health purposes in the public interest (e.g. protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices); and
- If the processing is necessary for the purposes of preventative or occupational medicine (e.g. where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services). This only applies where the data is being processed by or under the responsibility of a professional subject to a legal obligation of professional secrecy (e.g. a health professional).

If in some cases, the data cannot be deleted from backup systems immediately, the Council will restrict access to put it beyond use.

8.1.4 Right to Restriction of Processing: Individuals have the right to request the Council to restrict the processing of their personal data in the following circumstances:

- The individual contests the accuracy of their personal data and the Council is verifying the accuracy of the data;
- The data has been unlawfully processed (i.e. in breach of the Lawfulness Principle) and the individual opposes erasure and requests restriction instead;
- The Council no longer needs the personal data but the individual needs the Council to keep it in order to establish, exercise or defend a legal claim; and
- The individual has objected to the processing for automated decision-making and the Council is considering whether its legitimate grounds override those of the individual.

8.1.5 Right to Data Portability: Individuals have the right to receive personal data that they provided to the Council in a commonly used machine-readable format so that they can share it with a different organisation or use themselves. On request the Council may be obliged to share the personal data directly with the third party. The Council may turn the request down if it is not possible to comply.

8.1.6 Right to Object: Individuals have the right to object to the processing of their personal data if the processing is based on legitimate interest and public interest grounds, including profiling.

If the Council has a valid direct marketing consent in place and the individual objects, the direct marketing needs to stop immediately and a notification made not to use the personal data for that purpose again. When communicating with individuals and in privacy notices it always has to be made clear that this right exists.

8.1.7 Right to Object to Automated Decision-making and Profiling: Individuals have the right to not be subject to a decision based solely on automated processing which will have a legal or other effect on them. If the Council is required to perform credit checks or other forms of automated decision-making, it is usually done in the context of a

contract, the individual has given their explicit consent or the Council is required to do so by law. Individuals will still have the right to obtain human intervention, to express their point of view and to contest the decision.

8.2 Procedures for dealing with Data Subject Access Requests

8.2.1 Response to Requests

When a request is received exercising any of the rights outlined in Section 8.1 the Data Protection Officer needs to be **informed immediately**.

Requests can be received in any format, including over the phone and via social media and do not have to be in written format and the Council cannot insist that it be provided in that format. **The formulation of the request may not always make it immediately clear that this is a Data Subject Access Request, it is therefore important to clarify.**

When an oral request is received it is helpful to explain that a written request might be easier to process and will therefore be dealt with faster as it will eliminate uncertainties or inaccuracies.

The person receiving the oral request needs to take down as much information as possible to enable the request to be actioned, including the contact details of the individual making the request. The individual making the request needs to be informed that the Council's Data Protection Officer will be in touch to action the request. If the person asks for a written request form, it is available as Appendix 5.

Once the request has been passed to the Data Protection Officer it will be assessed and managed to completion. The Data Protection Officer will establish the scope of the request to ensure the right data is retrieved and that the rights and freedoms of other individuals affected by the request are considered. If others are affected by the request, they will be consulted and a response provided in such a manner to ensure that their rights are also protected if required. In some cases, this might necessitate providing the information in redacted format.

With all requests the identity of the individual making the request must be positively established before any information may be shared. For more information on this please see Section 8.2.3 below.

The Council needs to be aware of the possibility that a fraudulent access request could be made that may result in a data breach if personal data is shared with someone other than a real data subject.

Correspondence for each request is filed together and each request is allocated a reference number and logged in the Data Subject Access Requests (DSAR) Register which is managed by the Data Protection Officer, refer Appendix 2.

8.2.2 Response Timeframe

The Council is required by law to respond to the individual exercising their individual rights **without undue delay but in any event within one month of the receipt of the request. The Council will require a form of identification and once that is received the period starts.**

The Data Protection Officer will aim **to acknowledge the request via email (if possible) within 24 hours** and provide an indication of when a final response could be expected. **If more time is required due to the complexity of the request and the one-month deadline will not be met, the deadline can be extended by another two months. This will only happen in exceptional circumstances as the Council has a relatively small database and there is no large geographical spread.**

If more time is required the individual will be informed and provided with the reasons within the first one-month deadline period. The Council's expectation is that in most cases a response will be possible within one month.

The time limit is calculated from the day the request is received (whether the day is a working day or not) until the corresponding calendar date in the next month (e.g. request received on 3 September, so calendar response date is 3 October). If this is not possible because the following month is shorter (and there is no corresponding calendar date), the date for response is the last day of the following month. If the corresponding date falls on a weekend or a public holiday, the Council needs to respond by the next working day.

The Council's aim is to complete the request as quickly as possible so as not to run the risk of missing the deadline. If the deadline is missed, the individual has the right to complain to the Information Commissioner's Office.

8.2.3 Identification

The Council is required to ensure that the identity of the individual making the request is established. This is especially important if the request is made orally or through social media.

For the purpose of identification, the Council will accept a copy of the individual's driver's licence or passport. This can be provided via email, post or in person at the Parish Office.

If there is any doubt about the identity of the individual making the request, the Council can ask for additional proof of identification.

If the request is from a former employee or Councillor, identification might be sufficient if the individual is making the request from an email address on record or can provide information on their association with the Council that could only be known by the person in question (e.g. dates of start and end of association, employee number). If there are any doubts, the standard identification methods will be required.

If it is impossible to establish the identity of the person, the Council will be inclined to withhold the information and inform the individual of the reason. **A record of the decision-making process needs to be kept justifying this decision if the individual in question lodges a complaint with the Information Commissioner's Office.**

If the individual making the request is not the same as the person that the request is about (e.g. a solicitor or someone acting on their behalf) the Data Protection Officer will ask for a power of attorney or other proof of authority to act on behalf of the individual concerned.

A copy of the identification method used will be kept on file in accordance with the Retention Policy and recorded in the Data Subject Access Request Register.

8.2.4 Manner of Response

The Data Protection Officer will perform a thorough search of all Council files, both digital and paper, including archives. The results need to be checked to ensure that the data in question is not covered by an exemption. It is important to keep in mind that it is an offence to make any amendments with the intention of preventing its disclosure. The information provided will include all the aspects specified in Section 8.1.1 Right of Access.

Once the required redaction has been done, the copies are provided in such a way that they cannot be altered or changed (e.g. PDF). If the information contains codes or acronyms that will only be known inside Fair Oak and Horton Heath Parish Council and is unlikely to be understood by others, an explanation needs to be provided. If the request is received via email the normal response will be in that format, similarly with postal requests. If the response is sent via post, it needs to be in a manner that records receipt to enable the Council to verify that the individual making the request has received the information. If the copies are collected directly from the Parish Office a signature needs to be recorded confirming receipt.

9. Information Security and Breach Policy

Fair Oak and Horton Heath Parish Council has put appropriate technical and organisational measures in place for an organisation of its size to help safeguard the processing of personal data.

9.1 Information Security

To ensure the Council complies with the Security Principle all staff and Councillors are required to regularly change passwords with complexity enforced on all devices. Appropriate anti-virus and malware protection software must be installed on all devices and there should be an awareness of phishing scams. The access security of mobile devices provided by the Council should not be disabled.

Personal data should not be saved on any shared drives other than that of Fair Oak and Horton Heath Parish Council.

Where Council personal data is stored on home computers or mobile devices, the files and folders should have access controls enabled and only be accessible with a password. This is especially important where home devices are shared.

Only Fair Oak and Horton Heath Parish Council email addresses should be used for Parish Council business. If Councillors represent more than one Council, the business of the different Councils should be strictly separated to avoid creating a Joint Controller situation with the other Council. This will also enable the Council to meet its obligations to ensure that personal data is accurate and have access to all relevant data when a Data Subject Access Request is made. Personal and business email addresses should not be used for Parish Council business.

If a Council-owned device with access to the Council's personal data is lost or stolen it should be reported to the Data Protection Officer immediately. In the case of a mobile phone it is important to report the suspected loss immediately to instigate a temporary block on the device through the service provider. If the device is later recovered, the access can be restored.

If a lost or stolen device is privately-owned and has access to the Council's personal data, it is the responsibility of the owner to take immediate preventative action through their service provider and change passwords to block access to the device. The Data Protection Officer should be informed immediately to enable the Council to remotely disable access to the Council's documents.

The Council will ensure that more than one designated person is registered with the Council's service providers (e.g. mobile operators) to ensure that action can be taken during a data breach if the main registered person is absent. This will include the person who is designated to act on data protection matters when the Data Protection Officer is unavailable or absent.

When a device reaches the end of its useful life all personal data should be wiped and the device securely disposed of. This is especially important if it is a privately-owned device which is later sold. When staff leave the employ of the Council all devices must be returned before the last day of service and the user's private data deleted.

The Council will regularly update information security requirements to maintain security and take corrective action when a data breach occurs. This includes a Bring Your Own Device (BYOD) Acceptable Use Policy.

9.2 Breach Policy and Incident Response Strategy

Fair Oak and Horton Heath Parish Council requires all staff and Councillors to report a data breach to the Data Protection Officer immediately. This includes the loss of equipment containing or accessing personal data, the loss of paper files containing personal

data such as attendee lists at events or a list containing the personal data of residents, an email sent by mistake to the wrong person that contains personal data or accidentally sharing personal data.

Any actions which could be regarded as the “accidental or unlawful destruction loss, alteration, unauthorised disclosure of, or access, to personal data transmitted, stored or otherwise processed” are considered data breaches.

It is preferred that a proactive approach is taken if it is not clear whether an incident constitutes a data breach and it is therefore important to clarify with the Data Protection Officer immediately. Please provide as much information as possible.

When informed of a potential data breach, the Data Protection Officer will investigate and contact any processors involved to establish the likely risks to the individuals involved. Actions will be taken to minimise the risks to the individuals involved if possible.

If the investigation reveals that the personal data breach is unlikely to result in a risk to the rights and freedoms of the individuals affected or effective mitigating actions had been taken minimising the risks, the breach will be recorded in the Breach Register (Appendix 1) and remedial action will be taken to prevent a recurrence. In this case it will not meet the threshold for reporting the data breach to the Information Commissioner’s Office.

Please note that risk to individuals is not only defined in terms of potential monetary loss but includes damage to reputation and harm (see Section 9.4).

9.3 Notifying the Regulator

If the Data Protection Officer finds that the breach is likely to result in a risk to the rights and freedoms of the individuals affected, the Information Commissioner’s Office will be informed.

The notification must be done without undue delay but no later than **72 hours after having become aware of the breach**. The breach will also be recorded in the Breach Register.

The information provided to the Information Commissioner’s Office will include the following:

- Description of the nature of the personal data breach including, where possible, the categories and approximate number of individuals impacted and the categories (e.g. special) and approximate number of personal data records concerned;
- The name and contact details of the Council’s Data Protection Officer;
- A description of the likely consequences of the personal data breach; and
- A description of the measures taken or proposed to be taken by the Council to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

The Data Protection Officer will report the breach and be the main contact. The Chair and Vice Chair of the Council will be kept informed of all developments.

The document for completing a breach report via email is attached as Appendix 6. A breach can also be reported by calling the Information Commissioner’s Office on 0303 123 1113.

9.4 Notifying the Individuals Concerned

If the investigation conducted by the Data Protection Officer reveals that the data breach is likely to result in a **high risk** to the rights and freedoms of those affected, the Data Protection Officer will inform those affected **without undue delay**.

In assessing the likely risk it is important to keep in mind that damage could be physical, material, and non-material which might give rise to discrimination, identify theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data protected by professional secrecy, unauthorised reversal of pseudonymisation or other significant economic or social disadvantages.

If the data was encrypted or measures had been taken after the event to ensure the high risks are no longer likely to materialise, it will not be necessary to inform the individuals affected.

The manner in which the individuals affected are informed is at the discretion of the Data Protection Officer and Council but if it is a very large number of individuals, a press statement might be required necessitating a strategy for handling the resultant enquiries.

10. Data Protection Roles, Record of Processing Activity and Performing a DPIA

The accountability framework that Fair Oak and Horton Heath Parish Council has put in place to comply with its data protection responsibilities assigns a number of duties.

10.1 Responsibilities of the Data Protection Officer

The Council has appointed the Clerk, as the Data Protection Officer.

The Data Protection Officer acts independently and does not receive instructions regarding the exercise of the tasks assigned to the role by law. The person holding the position shall not be dismissed or penalised for performing the tasks and reports directly to Full Council.

The duties of the Data Protection Officer are outlined in the legislation and include the following tasks at the Parish Council:

- To inform and advise the Data Controller (Full Council) and staff who carry out processing activities;
- To monitor compliance with the legislation, policies and procedures;
- To maintain an awareness programme, provide training and assign responsibilities;
- To provide advice on data protection impact assessments and monitor performance; and
- To cooperate with the Information Commissioner's Office and act as the contact point on issues when prior consultation is required.

In addition, at Fair Oak and Horton Heath Parish Council the Data Protection Officer has been assigned the following additional tasks:

- Updates the Data Protection Policy in consultation with Full Council;
- Maintains the legal Registers;
- Updates privacy notices, including for the website;
- Advises on changes to Cookie policies and notices;
- Keeps Full Council informed of legislative changes or interpretations and best practice advice from the Information Commissioner's Office; and
- Provides compliant marketing sign-up forms when required.

In the absence of the Clerk, the Council will assign another staff member to perform the duties of the Data Protection Officer. The staff member selected will be trained to perform the required duties, in particular in the handling of data breaches and Data Subject Access Requests.

10.2 Responsibilities of Full Council

Full Council is the Data Controller of Fair Oak and Horton Heath Parish Council and has overall governance responsibilities for the Council including compliance with data protection legislation.

The Data Controller has obligations set out in legislation which includes the implementation of "appropriate technical and organisational measures to ensure and to be able to demonstrate the processing is performed in accordance with the Regulation". This duty includes the implementation of appropriate data protection policies, adherence to approved codes or approved certification mechanisms to demonstrate compliance. Some sector specific codes of conduct might be introduced in future that can be applied to the Council.

Full Council sets the tone for how personal data is handled at the Council and communicates this privacy commitment to all staff and individuals the Council collects personal data from through privacy notices. It is the responsibility of Full Council to set the schedule for annual data protection audits and update reports on improvement programmes. Full Council also decides the parameters of the annual audits.

10.3 Responsibilities of Councillors

Councillors are also Data Controllers in their own right when they process personal data. This is most often the case when they are approached by residents for assistance or perform duties linked to their position on the Council. Councillors therefore also need to follow the data protection principles, lawful bases of processing and retention policy when processing personal data. The processing that Councillors do in the performance of their duties is recorded in the Council's Record of Processing Activity (RoPA) which also specifies the legal basis for the particular processing activity.

In line with the Transparency Principle, Councillors need to inform individuals how their data will be used including any sharing of personal data with colleagues and other Councils. A short paragraph in the email account of Councillors will explain this in brief and link to the Privacy Notice on the Council's website which will provide more detail including outlining individual rights and how to make a complaint.

Councillors must comply with the Council's Retention Schedule which outlines how long correspondence will be kept before it is securely destroyed or deleted. When a Councillor leaves the position, all records containing personal data need to be handed back to the Council or securely destroyed. Councillors leaving their positions must also hand over ongoing case work to a colleague for completion with the agreement of the individuals concerned.

Councillors who also serve on other Councils will use only their Fair Oak and Horton Heath Parish Council email account for parish business.

10.4 Record of Processing Activity (RoPA)

The Data Protection Officer keeps the Council's Record of Processing Activity Register (RoPA) in Appendix 3.

The Register records all the processing activity of the Council, provides the legal basis for each activity, specifies the categories of data and records recipients and transfers.

The RoPA is always kept up to date and is an important part of the accountability framework to provide evidence of the Council's compliance efforts.

The Register records at a minimum the following activities: collection, alteration, consultation, disclosure (including transfers), combination and erasure of personal data.

10.5 Data Protection Impact Assessment (DPIA)

The Data Protection Officer will carry out a Data Protection Impact Assessment if the Council intends to acquire new technology, move to a new database, change its CCTV operations or undertakes any new activities that could have a high impact on the rights and freedoms of the individuals involved. It is also required when a major change is made to an existing process that will impact the individuals concerned.

The DPIA will be carried out according to a prescribed format and will describe the nature, scope, context and purposes of the processing; assess the necessity, proportionality and compliance measures; identify and assess risks to individuals and identify any additional measures to mitigate the identified risks. In the event that the Council acquires new technology or instigates new processes that a DPIA finds will have a high risk to the individuals involved that cannot be adequately overcome by mitigating measures implemented, the Information Commissioner's Office should be consulted.

10.6 Audits and Monitoring

An annual audit of documents and procedures will be carried out to ensure that policies and processes are still compliant and in line with current legislation and best practice. The results of the annual audits are presented to Full Council for action.

11. Privacy Notices

In accordance with the Right to Access and the Transparency and Fairness Principles the Council makes those individuals whom it collects personal data from aware of that fact and what their rights are regarding their personal data.

For these reasons the Council will have Fair Processing Notices (Privacy Notices) in place in the following instances:

- On the Council website;
- As part of contracts and agreements;
- Event registrations;
- Venue hire agreements;
- Staff contracts and Staff Handbook; and
- Marketing sign-up forms.

11.1 Information Provided

The Council will include the following details in privacy notices when it collects personal data:

- Council's name and details;
- Contact details of the Data Protection Officer;
- Why the personal data is collected and the Council's legal basis for doing so;
- When the Council uses legitimate interest as its legal basis it will be explained;
- Whether the data will be shared with other parties and identify them (or provide the categories);
- Whether the data will be sent to another country and the safeguards in place (the DPO can advise on this); and
- How long the data will be retained or provide a link to the Retention Policy.

The Council will also provide information on the rights of the individuals including the right to withdraw consent at any time and the right to complain to the Information Commissioner's Office.

If personal data is requested for legal or contractual reasons it will be made clear and what the implications are if this is not done.

The Council's website will also highlight any profiling done through a Cookie Notice.

11.2 Information Obtained Indirectly

When the Council has obtained personal data from another organisation (e.g. another Council), source or person, the individual affected will be informed when first contacting them and within one month unless the person already has the information, or the Council is legally required to collect the information.

The Council will provide all the information in Section 11.1 and in addition the following:

- Categories of data the Council holds including any sensitive and special category data (e.g. health); and
- Where the data was obtained from including public sources.

When the Council collects personal data or obtains it from another source and intends to use the data for another purpose rather than why it was collected in the first instance, the Council needs to have a valid legal basis for doing so and the individuals concerned informed.

12. Data Transfers, Processor and Joint Controller Responsibilities

Fair Oak and Horton Heath Parish Council does not transfer personal data to third countries as defined by data protection legislation. Should the situation change, the Council will put in place suitable safeguarding measures and the Data Protection Officer will advise on the most appropriate actions to take.

The Council currently uses the following processors:

- a. RBS for financial transactions and burial records;
- b. Microsoft Office 365 for storing information;
- c. MailChimp for email marketing campaigns; and
- d. WordPress and Smart Marketing for the website

These platforms and processors generally have adequate privacy and security procedures in place to safeguard the processing of the Council's personal data. The Council constantly reviews this position to ensure the ongoing safety of the personal data. If any concerns are raised or the Council becomes aware of reports of data breaches involving these service providers, the Council will take the necessary steps to protect the personal data they process.

The Council expects processors and joint controllers to comply with their obligations under data protection legislation to provide safeguards and report data breaches.

Agreements will be put in place with all new processors highlighting their data protection responsibilities regarding the Council's personal data.

At the end of a processing agreement the Council expects the data it provided to processors and joint controllers to be deleted from all databases unless there is a legal obligation to retain it for a specified period. Any paper files need to be securely destroyed.

13. Marketing

Direct marketing involves communications to an identified individual. Blanket marketing such as leaflets, advertisements and magazine inserts are not direct marketing. There is no restriction on sending solicited marketing.

In general, the Council relies on consent and legitimate interest as the valid legal bases for direct marketing and fundraising activities for events. Consent needs to meet the criteria set out in Section 5 and can be withdrawn at any time.

Fair Oak and Horton Heath Parish Council hosts a limited number of events and marketing is currently mainly done through the website, social media, newsletters and advertisements.

The Council intends to do more electronic marketing in future and will capture the consent required through compliant sign-up forms on the website and at events. The privacy notices on the sign-up forms will provide individuals with the required information in line with legislation and the consent will be stored in line with the Council's Retention Schedule.

Individuals will always be informed that they have the opportunity to unsubscribe at any time from marketing communications and how to go about removing their consent. When an individual requests to be removed from a marketing list, it will be done immediately, the person will be informed it had been done and precautions will be taken not to send any marketing communications to the same person by accident in future.

The Council does not buy or sell marketing lists. Should the position change in future a due diligence exercise will be conducted to ensure the existing consent is valid.

14. HR and Recruitment

Fair Oak and Horton Heath Parish Council has a legitimate interest to collect specific personal data for employment purposes and to meet its legal obligations.

14.1 Recruitment

Fair Oak and Horton Heath Parish Council recruits staff for permanent employment.

During the recruitment process and at the time of the first email exchange the Council will inform the applicants how their personal data will be used, including how long the details of unsuccessful applicants will be retained.

During the recruitment process the Council only collects information that is adequate, relevant and necessary for the purpose intended. When interviewing applicants, only information that is relevant to the position is collected. The interviewing panel will have access to information necessary for the purpose of making the selection but the information of applicants will not be made available outside of this panel unless there is a valid legal basis to do so. Access to the personal data of all applicants is restricted. The applicants are entitled to request a copy of their personal data which may include notes of the interview, including handwritten notes.

Background checks are only carried out if necessary for the role and the applicant is informed why it is necessary. If a negative outcome is received, the applicant has the opportunity to correct any inaccurate information. Access to the information is strictly on a need to know basis. The application forms, CVs and covering letters received during a recruitment process will be stored securely with limited access and retained according to the Retention Schedule.

If an applicant is successful, a personnel file will be opened and all documents created during the recruitment process will be securely filed in a secure filing cabinet or/and on password protected computer equipment. The retention period for the file will be for the employment period of the employee plus 7 years. If an applicant is unsuccessful or rejects a job offer, their data will be kept for 6 months and then destroyed. The name of the candidate, their address and email address will be retained for a period of 1 year. These retention periods will be communicated at first contact.

14.2 Processing personal data within the Council

Fair Oak and Horton Heath Parish Council complies with the Transparency Principle in the processing of the personal data of staff and Councillors. Whenever personal data is collected from employees and Councillors, they are informed about how their personal data will be used and how long it will be retained.

Staff will be informed of their privacy rights through the Staff Handbook/employment contract. Personal data of staff should only be collected for activities relating to the employee relationship and only what is needed for the specific purposes. If personal data will be used for a significantly different purpose, the employee has to be informed and the new purpose might require the consent of the employee. Where employees provide personal data about a family member or emergency contact, the employee has to confirm that they have informed the individual concerned and the reason. Consent must meet the requirement of being freely given.

In most cases only a minimum amount of information is required for absence, accident and sickness records. Access to these records is restricted to a need to know basis and will only be disclosed outside the Council if there is a legal obligation to do so, it is necessary for legal proceedings or the employee has been given a genuine choice about the sharing of the data with a third party for a particular purpose.

14.3 Monitoring

Employees can have a reasonable expectation of privacy at work. The monitoring of staff is likely to result in a high risk to their privacy and Fair Oak and Horton Heath Parish Council will in certain circumstances be required to carry out a Data Protection Impact Assessment to mitigate the risks. Staff have the right to be informed if they are subject to monitoring, why it is conducted, what kind of monitoring will take place, how it will be used and to whom it will be disclosed. Notification is required for monitoring activities such as email usage, geo-location device tracking, CCTV, internet and browsing activity tracking and the use of Council equipment. The Staff Handbook/employment contract will provide information on the Council's acceptable use policy and the existence of monitoring.

Covert monitoring is justified only in exceptional circumstances and will be specific and time limited. A valid legal basis needs to exist and the Chair and Vice Chair of the Council will need to approve the covert monitoring and set the limit, scale and scope.

14.4 Staff Performance

Fair Oak and Horton Heath Parish Council will ensure that information relating to performance improvement plans, grievances and dismissal is accurate and objective. Records relating to disciplinary and grievance matters are stored securely and only made available on a need to know basis. All records in the course of disciplinary and grievance proceedings will be accurate and sufficiently detailed to support any conclusions drawn. All HR and legal procedures will be followed while ensuring personal data is secure and only used for the purpose required and not in a way that is disproportionate to the matter under investigation.

14.5 Sharing Staff Data

Fair Oak and Horton Heath Parish Council will not share personal data of staff outside the Council except in the following circumstances:

- The employee has provided their freely given and informed consent (for example for a reference for their new employer). References will only be provided with the consent of the individual involved and will be according to the Council's HR policy;
- To protect an individual's vital interests;
- When required by law, regulation or court order;
- In connection with a legitimate request for assistance by the police or other law enforcement agency;
- To seek advice from the Council's solicitors;
- With respect to a legal dispute or administrative claim between the Council and a third party;
- To engage professional advisers;
- To meet the Council's contractual relationships; and
- To provide contact details for normal Council business such as enquiries from residents.

In all cases only the minimum information required for the purpose will be shared. If there is a likelihood of risk to the employee concerned the Data Protection Officer will be involved and if the risk is likely to be high, a Data Protection Impact Assessment will be conducted.

14.6 Pension, insurance and other benefits

When Fair Oak and Horton Heath Parish Council staff join a pension, health or other benefit scheme the employee will be informed what personal data is provided to the provider and how it will be used. The personal data required for this purpose will not be used or accessed for general employment purposes e.g. a medical record needed for a pension scheme will not be used in connection with eligibility for sick pay etc.

15. Policy Review

Fair Oak and Horton Heath Parish Council will review this Policy on an annual basis, the next review will take place in November 2020.

The Data Protection Officer will update the Policy when there are changes to legislation or new best practice advice is issued by the Information Commissioner's Office.

Appendices

Appendix 1: Breach Register

Appendix 2: Data Subject Access Requests (DSAR) Register

Appendix 3: Record of Processing Activity (RoPA)

Appendix 4: Training Register

Appendix 5: Data Subject Access Request Form

Appendix 6: ICO Breach Reporting Form

Appendix 7: Retention Schedule

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Appendix 4

Created by: [jarvisfields](#)

ATTENDED BY	NOTES
Parish Staff	
Councillors	

RETENTION SCHEDULE

Appendix 8

RELEVANT DOCUMENTATION/PROCEDURES: Data Protection Policy 2019

ORGANISATION: Fair Oak and Horton Heath Parish Council

NAME OF REGISTER MANAGER: DPO

DATE PERIOD: November 2019 -

Created by: [jarvisfields](#)

Function	Item/Document/Form	Retention Trigger	Retain for Period	Action	Retention Source	Information Asset Owner
Finance						
Staff	Employee Starter Forms	Creation	7 years	Destroy	Business Need	Finance Officer
	Employee Pension Forms	Creation	20 years post employment	Review	Contract	Finance Officer
	Timesheets	Creation	1 year	Destroy	Business Need	Finance Officer
	Employee P45 Copies	End of Financial Year	1 year	Destroy	HMRC	Finance Officer
Suppliers						
	Supplier Information in Purchase Ledger	End of Financial Year	2 years	Destroy	Business Need	Finance Officer
	Supplier Payments Report for Full Council and Website	Creation	2 years	Destroy	Business Need	Finance Officer
	Receipts of Customers	Creation	1 year	Destroy	Business Need	Finance Officer
Payments						
	Invoices	Creation	7 years	Destroy	HMRC	Finance Officer
Bank Account						
	Bank statements	Start of new financial year	7 years	Destroy	Business Need	Finance Officer
Insurance						
	Insurance Documents (including public liability)	End of contract period	6 years	Review	Business Need	Clerk
Parish Council Governance						
	Minutes	Minutes agreed	10 years	Review	Business Need	Clerk
	Data Protection Impact Assessments	Last Action	5 years	Review	Data Protection Act 2018 and GDPR	Data Protection Officer
	Records of special projects or committees	Project Completion	3 years	Destroy	Business Need	Responsible Trustee
	Data Protection Policy	When Updated	1 year	Destroy	Data Protection Act 2018 and GDPR	Data Protection Officer
	Privacy Notices	When Updated	6 months	Destroy	Data Protection Act 2018 and GDPR	Data Protection Officer
	Legitimate Interest Tests	New processing activity	1 year	Review	Data Protection Act 2018 and GDPR	Data Protection Officer
	Breach Register	Creation	20 years	Review	Data Protection Act 2018 and GDPR	Data Protection Officer
	Councillor Code of Conduct	Council Approval	5 years	Review	Business Need	Clerk
	Data Subject Access Request Register	Creation	10 years	Review	Data Protection Act 2018 and GDPR	Data Protection Officer
IT and Digital Infrastructure						
	Software packages	When installed	5 years	Review	Business Need	Clerk
Events						
	Records from events including publicity material, photographs	End of event	1 year	Destroy	Business Need	Administration Assistant
	Stall Bookings	End of event	1 year	Destroy	Business Need	Administration Assistant
	Event Attendees	End of event	1 year	Destroy	Business Need	Administration Assistant
Correspondence						
	Correspondence (including emails)	Creation/Receipt	5 years	Destroy	Business Need	Function Owner
	Physical Correspondence	Creation/Receipt	5 years	Destroy	Business Need	Function Owner
	Marketing Consent Forms/digital permission	Creation	2 years	Review	Business Need	Clerk
Publications						
	Newsletters/magazines containing personal data		5 years	Destroy	Business Need	Function Owner
	Press releases containing personal data		5 years	Destroy	Business Need	Function Owner
Allotments						
	Record of Tenants	Creation	5 years	Review	Business Need	Deputy Parish Clerk
	Applications (Waiting List)	Creation	5 years	Review	Business Need	Deputy Parish Clerk
Cemeteries						
	Records of Lessee	Burial				
	Next of Kin	Creation	20 years	Review	Business Need	Deputy Parish Clerk
Venues						
	Hall Booking Forms	End of event	2 years	Destroy	Business Need	Administration Assistant
	Sports Contacts	Agreement	2 years	Review	Contract	Deputy Parish Clerk
HR						
	Staff Files	End of employment	7 years	Review	Business Need	Clerk
	Unsuccessful Applicants	End of recruitment	6 months	Destroy	Business Need	Clerk
	All applicant basic information	End of recruitment	1 year	Destroy	Business Need	Clerk
	Next of Kin Staff	End of employment	1 year	Destroy	Business Need	Clerk
Councillors						
	Casework	Close of case	4 years	Destroy	Councillor Duties	Individual Councillor

DATA SUBJECT ACCESS REQUEST FORM

Section 1 Personal Details – Please provide the details of the person who you are requesting information about (the data subject)

Title: Mr/Mrs/Miss (Other).....

Surname

First Name(s)

Date of Birth

Home Address:

.....

.....

Post Code

Additional Information: Please include any other names you may have been known by (where applicable):

Tel No (day)

Email

Section 2 – Are you the data subject?

Please tick one of the following:

I am ...

The person named in Section 1

Making this request on behalf of the person named in Section 1

If you are the person named in Section 1 please provide:

1) Proof of identity

(Photocopy of passport, driving licence)

If you are making this request on behalf of the person named in section 1, please state the nature of your relationship and provide supportive evidence which shows your entitlement, or authority to make this application on behalf of the data subject.

Accepted forms of evidence include:

- Parent – copies of child birth certificates
- Legal Representative – Notice of acting/client form
- Person named on a Court Protection Order – Copies of court protection order

- Their advocate – Written and signed proof of consent etc.

Relationship to data subject:

.....

Section 3 – Contact details (Please complete this section only if you are making a request on behalf of the person named in section 1)

Full name

Address

.....

.....

Postcode

Email address

Telephone number

Section 4 – Details about Information requested

To assist us in locating this information, please provide as much detail as you can about the specific information you require. Please include information such as reference numbers, dates, time or names of staff involved etc. Please be as specific as possible.

Section 5 – Declaration

I confirm that I have read and understood the terms of this Subject Access Request form and certify that the information given in this application is true. I understand that it is necessary for Sherpa63 Ltd. to confirm my/the data subject’s identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signed

Date

Report a personal data breach

This form is for organisations that have experienced a personal data breach and need to report it to the ICO. Please do not include any of the personal data involved in the breach when completing this form. For example, do not provide the names of data subjects affected by the breach. If we need this information, we will ask for it later.

You should ensure the information provided is as accurate as possible and supply as much detail as possible.

If you have already spoken to a member of ICO staff about this breach, please give their name:

Report type

- Initial report
- Follow-up report

(Follow-up reports only) ICO case reference:

Reason for report – after consulting the guidance

- I consider the incident meets the threshold to report
- I do not consider the incident meets the threshold to report, however I want you to be aware
- I am unclear whether the incident meets the threshold to report

About the breach

What has happened?

Tell us as much as you can about what happened, what went wrong and how it happened.

Was the breach caused by a cyber incident?

- Yes
- No
- Don't know

How did you find out about the breach?

When did you discover the breach?

Date:

Time:

When did the breach happen?

Date:

Time:

Categories of personal data included in the breach (tick all that apply)

- Data revealing racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Sex life data
- Sexual orientation data
- Gender reassignment data
- Health data
- Basic personal identifiers, eg name, contact details
- Identification data, eg usernames, passwords
- Economic and financial data, eg credit card numbers, bank details
- Official documents, eg driving licences
- Location data
- Genetic or biometric data
- Criminal convictions, offences

Not yet known

Other (please give details below)

Number of personal data records concerned?

How many data subjects could be affected?

Categories of data subjects affected (tick all that apply)

Employees

Users

Subscribers

Students

Customers or prospective customers

Patients

Children

Vulnerable adults

Not yet known

Other (please give details below)

Potential consequences of the breach

Please describe the possible impact on data subjects, as a result of the breach.
Please state if there has been any actual harm to data subjects

What is the likelihood that data subjects will experience significant consequences as a result of the breach?

Very likely

Likely

Neutral - neither likely nor unlikely

- Unlikely
- Very unlikely
- Not yet known

Please give details

(Cyber incidents only) Has the confidentiality, integrity and/or availability of your information systems been affected?

- Yes
- No
- Don't know

(Cyber incidents only) If you answered yes, please specify (tick all that apply)

- Confidentiality
- Integrity
- Availability

(Cyber incidents only) Impact on your organisation

- High - you have lost the ability to provide all critical services to all users
- Medium - you have lost the ability to provide a critical service to some
- Low - there is no loss of efficiency, or a low loss of efficiency, and you can still provide all critical services to all users
- Not yet known

(Cyber incidents only) Recovery time

- Regular - you can predict your recovery time, with existing resources
- Supplemented - you can predict your recovery time with additional
- Extended - you cannot predict your recovery time, and need extra resources
- Not recoverable - recovery from the incident is not possible, eg backups can't be restored

Complete - recovery is complete

Not yet known

Had the staff member involved in this breach received data protection training in the last two years?

Yes

No

Don't know

(Initial reports only) If there has been a delay in reporting this breach, please explain why

(Follow-up reports only) Describe any measures you had in place before the breach with the aim of preventing a breach of this nature*

Taking action

Describe the actions you have taken, or propose to take, as a result of the breach

Include, where appropriate, actions you have taken to fix the problem, and to mitigate any adverse effects, eg confirmed data sent in error has been destroyed, updated passwords, planning information security training.

(Follow-up reports only) Outline any steps you are taking to prevent a recurrence, and when you expect they will be completed*

Have you told data subjects about the breach?

Yes, we've told affected data subjects

We're about to, or are in the process of telling data subjects

No, they're already aware

- No, but we're planning to
- No, we've decided not to
- We haven't decided yet if we will tell them or not
- Something else (please give details below)

Have you told, or are you planning to tell any other organisations about the breach?

eg the police, other regulators or supervisory authorities. In case we need to make contact with other agencies

- Yes
- No
- Don't know

If you answered yes, please specify

About you

Organisation (data controller) name

Registered organisation address

Person making this report

In case we need to contact you about this report

Name:

Email:

Phone:

Data protection officer

Or the senior person responsible for data protection in your organisation

Same details as above

Name:

Email:

Phone:

Sending this form

Initial report

If this is your initial report, please send your completed form to casework@ico.org.uk, with 'Personal data breach notification' in the subject field.

Follow up report

If this is a follow up report, please *reply to the email we sent you*, attaching this completed form to it. (Make sure you leave the subject line as it is – this will ensure your follow-up gets added to your case).

OR, send by post to:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Please note that we cannot guarantee security of forms or any attachments sent by email.

What happens next?

You should read our guidance to determine what steps you should take.

Based on the information you have provided, we will contact you within seven calendar days to provide information about our next steps. If this is your initial report, we'll give you a case reference number. If we consider the incident is minor or you have indicated that you do not consider it meets the threshold for reporting, you may not receive a response from us.

If your correspondence relates to an existing case, we'll add it to your case for your case officer to consider.

If you need any help in completing this form, please contact our helpline on 0303 123 1113 (operates 9am to 5pm Monday to Friday).

For information about what we do with personal data see our [privacy notice](#).

Fair Oak and Horton Heath Parish Council

Councillor Privacy Notice

Fair Oak and Horton Heath Parish Councillors may need to collect personal data in order to process requests from residents for assistance or respond to their enquiries. Councillors will only collect the personal data from residents that is needed in order to provide them with relevant information, services or support. Councillors understand that your privacy and the security of your personal information is extremely important

This Privacy Notice sets out what personal data Councillors collect, what is done with it and how your personal data is secured. It also explains your rights in relation to the personal data Councillors hold about you and how you can exercise your rights or register a complaint.

Council's contact details:

Fair Oak and Horton Heath Parish Council

2 Knowle Park Lane

Fair Oak

Eastleigh

SO50 7GL

Website: www.fairoak-pc.gov.uk

Personal Data Councillors Collect:

When residents ask Councillors for assistance, Councillors will need to collect some information. This will generally include personal information such as name, address and contact information together with details of the problem or concern and sometimes also includes information such as date of birth, national insurance number, information about family members and other information specific to the case.

Councillors may also require personal information that is more sensitive known as "special category data". This data requires more protection and consists of information relating to racial or ethnic origin, sexuality and sexual life, religious or philosophical beliefs, trade union membership, political opinions, genetic and biometric data, physical or mental health and criminal convictions and offences. It will only be necessary for Councillors to collect this type of information where it is of relevance to the case.

You are under no obligation to provide any information but if you do not then it might be more difficult for Councillors to respond to requests for assistance or provide information.

How Councillors obtain and use personal data:

Most of the personal information Councillors hold was provided directly by you to deal with requests for assistance. Sometimes information is passed on at your request and with your knowledge from other Councillors or the Parish Office.

Legal Basis for processing personal data:

Councillors always process personal data legally as required by legislation. The different legal bases are:

- a. Consent: You, or the person the casework relates to, gave permission to process the data for a specific purpose. This can be withdrawn at any time by contacting the Councillor concerned.
- b. Legitimate Interests: The processing is necessary to pursue the Council's legitimate interests.
- c. Performance of a Contract: The Councillor must process personal data in order to be able to meet contractual obligations.
- d. Vital Interests: In an emergency the Councillor might provide personal data to save someone's life.
- e. Legal Obligation: The Councillor is required to process your personal data by law.
- f. Public Interest: To carry out a task in the public interest.

Where Councillors deal with "special category data" it might sometimes be necessary to do so because it is necessary to establish, exercise or defend a legal claim, for reasons of substantial public interest or for purposes of carrying out obligations and exercising specific rights in the fields of employment and social security and social protection law.

What Councillors do with the information:

Councillors use personal data to contact organisations and other Councils that are involved or should be involved in dealing with your request for assistance. They do not share information with third parties unless you have given your permission and have notified you or there is a lawful reason for doing so. Councillors do not transfer personal data outside of the EEA.

How Councillors store your information:

Your information is securely stored on password protected hardware and in secure filing cabinets.

Councillors keep personal data for only as long as necessary. In most cases, the retention period will come to an end when Councillors are no longer legally required to keep your data or when your request for assistance is concluded. When Councillors step down or no longer hold office, they will pass your case to another Councillor or the Parish Council or will securely destroy any personal data. Please contact the Parish Council's Data Protection Officer for more information on the Council's Retention Policy.

Your data protection rights:

Under data protection law, you have rights including:

- a. **Your right of access** - You have the right to ask for copies of your personal information.
- b. **Your right to rectification** - You have the right to ask to rectify information you think is inaccurate. You also have the right to ask to complete information you think is incomplete.
- c. **Your right to erasure** - You have the right to ask for the erasure of your personal information in certain circumstances.
- d. **Your right to restriction of processing** - You have the right to ask for the restriction of the processing of your information in certain circumstances.
- e. **Your right to object to processing** - You have the the right to object to the processing of your personal data in certain circumstances.
- f. **Your right to data portability** - You have the right to ask for the transfer of the information you gave provided to another organisation, or to you, in certain circumstances.
- g. Rights in relation to **automated decision making** and profiling.

You are not required to pay any charge for exercising your rights. Please contact individual Councillors if you want to exercise any of your rights.

How to complain:

In the first instance please send complaints to the individual Councillor. If you are not happy with the response you received or how your data was used, please contact the Council's Data Protection Officer or send your complaint to the Information Commissioner's Office.

Email of Council's Data Protection Officer: clerk@fairoak-pc.gov.uk

The ICO's address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Helpline number: 0303 123 1113

Website: www.ico.org.uk

Last updated November 2019

FULL COUNCIL – 11 NOVEMBER 2019**HUMAN RESOURCE (HR) POLICIES AND PROCEDURES****1. PURPOSE**

1.1 To approve the following HR policies and procedures: -

- (a) Grievance Policy & Procedure
- (b) Disciplinary Policy & Procedure
- (c) Anti-Harassment & Bullying Policy & Procedure
- (d) Anti-Bribery Policy

2. BACKGROUND

- 2.1 On 25 March 2019, the Clerk advised members that the Parish Council was lacking several key HR statutory documents. As such the Council agreed that advice be sought from Hampshire Association of Local Councils with regards to developing these documents.
- 2.2 The Parish Clerk with assistance from HALC, produced several key HR policies and procedures. In June 2019 the proposed policies were submitted to Full Council, however it was agreed that further editing was needed. Some amendments have been made however these documents should be seen as evolutionary and constantly changing to meeting the changing needs of the Council. Further edits may be required and will be brought to Council when appropriate.
- 2.3 HR policies provide written guidance for employees and managers on how to handle a range of employment issues. They play an important role in practically managing operational staffing matters. They also provide consistency and transparency for employees and managers, helping to enhance the psychological contract and create a positive organisational culture. Without these policies the Council and its employees remain vulnerable and at risk.
- 2.4 It is recommended that the Council adopts the policies attached not only to provide a secure working environment for its employees but also to potentially help to protect the organisation against legal claims.
- 2.5 Additional, statutory policies are currently being drafted, to include maternity, paternity and shared parental leave policies, which will be presented to a future Council meeting for approval.
- 2.6 Once approved, the Clerk through staff meetings, will disseminate the policies to employees.

3. RECOMMENDATIONS

- 3.1 That the policies listed in paragraph 1.1 above and attached as Appendix 1 to this report be adopted.

For further information:

Melanie Stephens, Parish Clerk
clerk@fair-oak-pc.gov.uk

Background papers:

None.



Fair Oak & Horton Heath Parish Council

2 Knowle Park Lane, Fair Oak, Eastleigh, SO50 7GL

Telephone: (023) 8069 2403 email: enquiries@fairoak-pc.gov.uk

GRIEVANCE POLICY & PROCEDURE

1. POLICY

- 1.1 It is the Council's policy to encourage employees with grievances relating to their employment to use the procedure below to seek satisfactory solutions. The Council will try to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible, every effort will be made to explain the reasons for the decision.
- 1.2 If employees are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. It is hoped that most grievances will be resolved during the informal discussion. Employees who have raised grievances will be treated fairly at all times before, during and after the grievance hearing(s).

2. PROCEDURE

2.1 Informal stage

- 2.2 If you have a grievance about your employment you should discuss it informally with your immediate manager. In the case that it is the Clerk/Executive Officer that is aggrieved, they should discuss their concern informally with the Chairman/Vice-Chairman of the Council. The manager will give a response within five working days. See below for exceptions to this procedure.

3. Formal stages

3.1 Stage 1

- 3.2 If you feel that the matter has not been resolved satisfactorily through informal discussions you must put your grievance in writing to your immediate manager outlining the nature of your grievance and the outcome you are looking for. In the case that it is the Clerk/Executive Officer that is aggrieved, they should write to the Chairman or Vice-Chairman of the Council.

- 3.3 You will normally receive an acknowledgement within five working days and a meeting will be arranged. Prior to the meeting the Council may carry out such reasonable investigation as necessary so that it can properly deal with your grievance. You, and the manager will attend the meeting, and you will be given the option to call relevant witnesses. You may choose to be accompanied by a colleague, or accredited trade union official. The manager or Chair of Finance & Staffing Committee will give a response within five working days of the meeting and will inform the employee of the appeals procedure.

4. Stage 2 – Appeal Stage

- 4.1 If you are not satisfied with the response, you may raise the matter, in writing, with the Clerk. If the Clerk undertook the stage 1 hearing then you should write to the Chairman or Vice-Chairman of the Council. In the case of a grievance from the Clerk then the Clerk should write to the Chairman or Vice-Chairman of the Council. A meeting will be arranged, constituted as in Stage 1, except that the Clerk or Chairman replace the manager. A response will be given within five working days of the meeting. The decision at stage 2 will be final.

5. INVESTIGATIONS

- 5.1 The Council is committed to ensuring that all grievances are investigated fully. This may involve carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The identity of witnesses will be kept confidential where necessary.

NOTES

1. You may raise a complaint directly with a senior manager or the Chairman of the Council if it:
 - a. concerns your immediate manager or
 - b. is of too personal or sensitive a nature to raise with your immediate manager.
2. Complaints concerning discrimination, bullying or harassment by your immediate manager may be raised directly with the Clerk or the Chairman of the Council. This may be done informally or formally.
3. If your complaint concerns an alleged wrongdoing or criminal offence by someone within the Council, you should raise it immediately with the Clerk or the Chairman of the Council. The Public Interest Disclosure Act 1998 (known as the Whistle-blowers' Act) contains details of the additional protection available for protected disclosures.
4. You will be given the opportunity to explain your grievance, how you think it should be resolved, and have the opportunity to respond to all information and evidence produced by the Council.
5. The grievance procedure should not be used for appeals against disciplinary decisions, as that is the purpose of the disciplinary appeals procedure. If, however, you have a complaint against the behaviour of a manager during the course of a disciplinary case, you may raise it as a grievance with a senior manager.
6. Employees are encouraged to raise grievances and will not suffer any detriment from doing so. If your grievance is found to be malicious or to have been made in bad faith, however, you will be subject to the Council's disciplinary procedure.
7. A second management representative from another organisation may be invited to attend formal grievance meetings to act as a witness and note-taker.
8. The timescales listed above will be adhered to wherever possible. Where there are good reasons, e.g. the need for further investigation or the lack of availability of witnesses or companions, timescales may be extended.
9. The Council reserves the right to seek assistance from external facilitators at any stage in the grievance procedure.
10. If you experience difficulty at any stage of the grievance procedure you should discuss the situation with the relevant Manager or Councillor as soon as possible.
11. This procedure is for guidance only and does not form part of employees' contractual rights. The contents may be subject to revision from time to time.

Amendment Record:

Version 1: July 2019



Fair Oak & Horton Heath Parish Council

2 Knowle Park Lane, Fair Oak, Eastleigh, SO50 7GL

Telephone: (023) 8069 2403 email: enquiries@fairoak-pc.gov.uk

DISCIPLINARY POLICY AND PROCEDURE

1. POLICY

1.1 The Council aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct and performance in the Council. This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure sets out the action that will be taken when disciplinary rules are breached.

1.2 Matters which may be dealt with under this policy include discipline and dismissal for the following reasons (please note that this list is not exhaustive):

- Misconduct
- Sub-standard performance
- Harassment or victimisation
- Misuse of council facilities, including computer facilities (e.g. email and internet)
- Poor timekeeping
- Unauthorised absence

2. PRINCIPLES

2.1 In enacting this policy, the Council will aim to ensure that:

- Informal action will be offered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing has taken place.
- For formal action the employee will be advised in writing of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of meetings.
- At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- Any mitigating circumstances will be taken into account when reaching decisions on appropriate disciplinary penalties.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any discipline imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

3. PROCEDURE

3.1 Informal stage

3.2 Minor faults will be dealt with informally. Where the matter is more serious the following procedure will be used.

3.3 Stage 1

This will normally be either:

(a) an improvement note/email for unsatisfactory performance if performance does not meet acceptable standards.

This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The employee will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note/email will be kept for six months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

(b) a first warning for misconduct if conduct does not meet acceptable standards.

This will be in writing (formal letter) and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after six months.

3.4 Stage 2 - Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance to the prescribed standard during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will advise of the right of appeal. A copy of this written warning will be kept but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance. In exceptional cases the period may be longer.

3.5 Stage 3 - Dismissal or other sanction

If there is still further misconduct or failure to improve performance to the prescribed standards the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which his or her employment will terminate (in accordance with the employee's notice entitlement) and will be notified of his or her right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept but will be disregarded for disciplinary purposes after twelve months subject to achievement and sustainment of satisfactory conduct or performance.

4. GROSS MISCONDUCT

4.1 The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct.

4.2 If the employee is accused of gross misconduct, the Council may suspend him or her from work with pay while it investigates the alleged offence. This will be as brief as possible, normally for no more than five working days, and the Council will explain its reasons in writing. The employee shall not attend his or her place of work during suspension, other than for the purpose of attending disciplinary proceedings, including investigatory interviews. The employee shall not contact any other employees or contacts of the Council, except the employee's companion, without the Council's consent.

4.3 If, on completion of the investigation and the full disciplinary procedure, the Council is satisfied that gross misconduct has occurred, the result will normally be summary dismissal, i.e. dismissal without notice or pay in lieu of notice.

5. DISCIPLINARY INVESTIGATIONS

5.1 The Council is committed to ensuring that all potential infringements of disciplinary rules are fully investigated. This may entail carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. It may also involve a search of the employee's person and/or property. The investigation report will be made available to all the parties concerned. The identity of witnesses will be kept confidential where necessary.

Where an employee is called to attend an investigatory interview, it will be made clear that this is not a disciplinary hearing.

6. DISCIPLINARY HEARING

- 6.1 An employee will be invited, in writing, to a disciplinary hearing once the investigations are complete. Prior to the meeting the employee will be informed of the nature of the allegations that are to be addressed. The disciplinary hearing will be conducted by three members of the Council forming a Disciplinary Panel.

7. APPEALS

- 7.1 An employee who wishes to appeal against a disciplinary decision must do so within five working days. Three members of the Council will be appointed to form an Appeals Panel (there will be different members to the Disciplinary Panel). The Panel will hear all appeals and their decision is final. At the appeal any disciplinary penalty imposed will be reviewed.
- 7.2 If the employee wishes to appeal against a disciplinary decision, he or she must do so through the Appeals Panel within five working days of the receipt of the disciplinary letter. The appeal should be made in writing, stating the ground(s) on which the disciplinary penalty should be reviewed.
- 7.3 Members of the Appeals Panel will hear the appeal. In the rare circumstances where this is not possible, alternative arrangements will be agreed with the employee and his or her companion.
- 7.4 The appeals hearing will be normally held within 10 working days of receipt of the letter. The decision of the Appeals Panel shall be final.

8. APPEALS HEARING

- 8.1 At the appeals hearing, the employee will be given opportunity to state the ground(s) on which the appeal is made. The Disciplinary Panel who took the original decision will then have the opportunity to explain their decision to impose the given penalty. The members of the Appeals Panel conducting the appeal may exercise discretion as to whether or not the two parties will be present together during the proceedings. The hearing will be adjourned when all the evidence has been heard. The members of the Appeals Panel conducting the appeal will consider the merits of the appeal, in private, before reaching a decision.
- 8.2 The members of the Appeals Panel will, whenever possible, verbally inform the employee of the decision reached and confirm this in writing no later than five working days after the hearing.
- 8.3 The members of the Appeals Panel has the authority to quash or reduce a disciplinary penalty or, in exceptional and appropriate circumstances, to increase it, in accordance with the penalties specified in the Council's disciplinary procedure.
- 8.4 An appeal hearing is intended to focus on specific factors that the employee feels have received insufficient consideration, such as:

- an inconsistent/inappropriate harsh penalty
- extenuating circumstances
- bias of the disciplining manager
- unfairness of the hearing
- new evidence subsequently coming to light.

8.5 Where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed.

8.6 During the course of the disciplinary appeals process the following actions will be taken: -

- Employees will receive a written invitation to all disciplinary meetings
- Outcomes of formal meetings will be confirmed to the employee in writing.
- The timescales listed above will be adhered to wherever possible. Each party can request an extension of the permitted timescale, however, where there are good reasons.
- The Council reserves the right to seek assistance from external facilitators at any stage in the disciplinary procedure, in the interests of seeking a satisfactory outcome for all those concerned.
- For employees during their first year of employment, the Council reserves the right to speed up the decision-making process and may choose to follow a shortened version of the above procedure.
- The grievance procedure should not be used for appeals against disciplinary decisions. That is the purpose of the disciplinary appeals procedure. If, however, the employee has a complaint against the behaviour of a manager during the course of a disciplinary case, they may raise it as a grievance with a senior manager. If necessary, the disciplinary procedure may be suspended for a short period until the grievance can be considered. Another manager may be brought in to deal with the disciplinary case.

9. ABUSE OF THIS POLICY

9.1 Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

10. ALTERATIONS AND AMENDMENTS TO THIS POLICY

10.1 This policy does not form part of an employee's contract of employment. The Council reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the council.

11. ADDITIONAL INFORMATION

11.1 For further information, please contact the Clerk of the Parish Council on clerk@fairoak-pc.gov.uk



Fair Oak & Horton Heath Parish Council

2 Knowle Park Lane, Fair Oak, Eastleigh, SO50 7GL

Telephone: (023) 8069 2403 email: enquiries@fairoak-pc.gov.uk

ANTI-HARASSMENT AND BULLYING POLICY

1. SCOPE

- 1.1 This policy and procedure applies to all employees of Fair Oak & Horton Heath Parish Council.

2. POLICY

- 2.1 Our aim is to provide a working environment that respects the rights of each employee and where colleagues treat each other with respect. Any behaviour that undermines this aim is unacceptable.
- 2.2 Fair Oak & Horton Heath Parish Council ("The Council") does not tolerate any form of harassment or bullying under any circumstances. While implementing and upholding the policy is the duty of all our councillors, managers and supervisors; all employees have a responsibility to ensure that harassment does not occur in The Council.

3. RELATED POLICIES AND PROCEDURES

- 3.1 This policy is to be read in conjunction with The Council's Equality & Diversity policy.
- 3.2 The following procedure has been designed to inform councillors and employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. The Council will not tolerate harassment or bullying of:
- job applicants
 - employees
 - contractors
 - agency workers
 - the self-employed
 - ex-employees
- 3.3 This policy also applies to work related functions which are held outside of normal working hours, either on or off The Council's premises, such as Christmas parties, leaving celebrations, working lunches, etc.

4. HARASSMENT

- 4.1 Harassment is defined as unwanted conduct related to a relevant protected characteristic (an area covered by discrimination legislation) which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment for them.

Harassment will also occur where a colleague is treated less favourably because he or she has rejected or refused to submit to sex-based harassment, sexual harassment or gender reassignment harassment.

- 4.2 Where it cannot be established that there was an intention to offend, conduct will only be regarded as violating a person's dignity or creating an intimidating, hostile,

degrading, humiliating or offensive environment if, taking all the circumstances into account it would be reasonable to come to that conclusion.

4.3 People can be subjected to harassment on a wide variety of grounds. Some examples are:

- Sex-based (purely because of gender) or sexual (sexual in nature)
- Sexual orientation
- Trans-sexualism (gender reassignment)
- Being married or a civil partner
- Race, nationality, ethnic origin, national origin or skin colour
- Disability itself or a reason relating to it
- Age
- Employment status, e.g. part-time, fixed term
- Membership or non-membership of a trade union
- Carrying out health and safety duties
- Religion or religious beliefs or lack of either
- Deeply held personal beliefs or lack of them
- Political beliefs
- Criminal record
- Health, e.g. AIDS/HIV sufferers
- Physical characteristics
- Social class
- Willingness to challenge harassment – being ridiculed or victimised for raising a complaint

4.4 Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs, once it has been made clear by the victim that they consider it offensive. One incident may constitute harassment, however, if it is sufficiently serious. Harassment on any grounds, including the above, will not be tolerated.

4.5 Harassment at work is unlawful under the Equality Act 2010. The Council together with any councillors, managers or supervisors who fail to take steps to prevent harassment or investigate complaints may be held liable for their unlawful actions and be required to pay damages to the victim, as will the employee who has committed the act of harassment. There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

4.6 The Council will also be liable for harassment that comes from a third party if that harassment occurs on at least two occasions, the organisation is aware that it has happened and does nothing to stop it happening.

4.7 Harassment on any grounds is also a criminal offence, primarily under the Protection from Harassment Act 1997. This means that colleagues who suffer harassment may contact the police, in the case of harassment from fellow employees or harassment by third parties. Those found guilty face fines or periods of imprisonment of up to two years.

4.8 Additionally, an employee harassed by a colleague may sue that colleague personally for the damage and distress caused. The Council may be held vicariously liable under the Protection from Harassment Act for any harassment perpetrated by an employee whenever the behaviour in question is closely connected to the employment relationship.

5. EXAMPLES OF HARASSMENT

5.1 Employees must recognise that what is acceptable to one employee may not be acceptable to another. Examples of harassment include:

- Verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs.
- Non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screen-savers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects.
- Physical – unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion.
- Coercion – pressure for sexual favours (eg to get a job or be promoted) and pressure to participate in political, religious or trade union groups, etc.
- Isolation or non-cooperation and exclusion from social activities.
- Intrusion – following, pestering, spying, etc.

6. BULLYING

6.1 Bullying is defined as a gradual wearing down process comprising a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning his or her worth in the workplace and society as a whole.

6.2 Examples of workplace bullying range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious:

- Shouting or swearing at people in public and private.
- Persistent criticism.
- Ignoring or deliberately excluding people.
- Persecution through threats and instilling fear.
- Spreading malicious rumours.
- Constantly undervaluing effort.
- Dispensing disciplinary action that is totally unjustified.
- Spontaneous rages, often over trivial matters.

The less obvious:

- Withholding information or supplying incorrect information.
- Deliberately sabotaging or impeding work performance.
- Constantly changing targets.
- Setting individuals up to fail by imposing impossible deadlines.
- Levelling unfair criticism about performance the night before an employee goes on holiday.
- Removing areas of responsibility and imposing menial tasks.
- Blocking applications for holiday, promotion or training.

6.3 The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

6.4 The impact of harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation. The damage, tension and conflict that harassment and bullying create should not be underestimated. The result is not just poor morale, but higher labour turnover, reduced productivity, divided teams, poor service and poor product quality.

6.5 Public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention.

7. ENFORCEMENT

7.1 Any harassment or bullying will be classed as gross misconduct, for which employees may be summarily dismissed.

7.2 All councillors and employees will be informed of The Council's policy towards harassment and bullying at induction and through communication and awareness programmes. It will be stressed that all complaints of harassment will be treated seriously.

7.3 The Council expects all councillors, managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all councillors and employees to respect the dignity of their colleagues. The policy will be regularly monitored by the Parish Clerk to ensure that it is achieving its aims and that councillors, managers and employees are confident about its application.

8. TRAINING, COMMUNICATION AND AWARENESS

8.1 The Council recognises that a written policy is not sufficient to eliminate harassment and bullying. Prominent and regular communication, training and awareness sessions are important to ensure that all employees:

- Understand our commitment to prevent harassment and bullying.
- Understand their responsibilities and role in the process.
- Know how to seek advice and guidance.
- Know how to make complaints and are confident they will be handled effectively.

8.2 The Council is committed to communicating the policy effectively through:

- Training and awareness programmes for all staff
- Briefings for employees
- Notices on staff notice boards
- Inclusion in briefing meetings
- Induction

9. PROCEDURES

9.1 **Advice:** The Council recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. The Council operates an open-door policy to discuss workplace problems and employees can discuss the matter with their manager or supervisor on an informal basis.

9.2 The Council recognises that this may not always be appropriate in the circumstances, however. If this is the case, employees can discuss the situation with a member of the Council to act as an advisor.

They will:

- ensure the conversation remains confidential as far as possible;
- listen sympathetically;
- help individuals consider objectively what has happened;
- discuss what outcome the individual would wish to see;
- draw attention to available procedures and options;
- inform the individual of the legal liabilities involved;
- help weigh up the alternatives, but without pressure to adopt any particular course;
- assist the individual in dealing with the situation, if they ask for help.

9.3 Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are very serious, however, The Council reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/ bully's behaviour.

10. SOLUTIONS

10.1 It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal.

10.2 Informal

Employees can choose to solve the matter themselves by approaching the harasser or bully, telling him or her that their behaviour is unwelcome and that it must stop. Otherwise a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague [option where union is recognised – or a union representative] who can accompany the victim when speaking to the harasser or bully.

A third option, is that the victim can put his or her views in writing to the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop.

10.3 Formal

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance, with the procedure adapted to take account of the sensitivities of such situations. Each step and action under the formal complaints procedure will be taken without unreasonable delay.

Complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected. Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter. The procedure is as follows:

10.4 Step 1: Lodging a statement of grievance and conducting an investigation:

- The complaint should be put in writing, outlining the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully.

- If the victim would find it distressing to set out their complaint in writing then he or she should contact the Clerk who will provide assistance.
- The written complaint should initially be lodged with the Parish Clerk. If this would not be appropriate in the circumstances, it should be lodged the Chairman of the Council.
- An independent Councillor (the Investigator) will be appointed who has had no previous involvement with the situation and who will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses. The right to accompaniment will be provided to all those interviewed.
- The investigator will submit a full report to the Finance Committee Chairman who will request that a Sub-Committee be established to hear the grievance.

10.5 **Step 2: Grievance meeting:**

- The employee will be invited to a meeting with the Sub-Committee to discuss the grievance and the result of the independent investigator's report.
- The employee will be provided with the right to accompaniment.
- The timing and location of the meeting must be reasonable.
- The meeting will not take place until the Sub-Committee has had a reasonable opportunity to consider the information contained in the employee's grievance letter and the independent investigator's report.
- The employee must take all reasonable steps to attend the meeting.
- The meeting must be conducted in a manner that enables the employee to explain his or her case and the Sub-Committee to set out the results of the investigation.
- After the meeting the Sub-Committee will inform the employee of their decision as to the grievance and notify the employee of the right to appeal against that decision if the employee is not satisfied with it.

10.6 **Step 3: Hearing the appeal:**

- If the employee wishes to appeal, he or she must inform the Chairman of the Sub-Committee.
- The employee will be invited to attend a further meeting.
- The employee will be provided with the right to accompaniment.
- The timing and location of the meeting will be reasonable.
- The employee must take all reasonable steps to attend the meeting.
- The meeting will be conducted in a manner that enables both sides to explain their cases.
- After the appeal meeting the Chairman of the Sub-Committee will inform the employee of the final decision, within 5 working days.

Full records will be kept of the grievance proceedings and copies of meeting records given to the complainant.

If, at the end of Step 1, the complaint is upheld the matter will be passed to the appropriate Sub-Committee to conduct a disciplinary hearing with the person who perpetrated the harassment or bullying.

11. **MONITORING**

- 11.1 Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The Council will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

12. MALICIOUS COMPLAINTS

- 12.1 Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to The Council's disciplinary procedure, as will any witnesses who have deliberately misled The Council during its investigations.

13. COMPLAINTS TO AN EMPLOYMENT TRIBUNAL

- 13.1 While the Council trusts that employees will use the internal procedure to resolve any concerns they have about harassment, claims can be lodged with an employment tribunal where harassment is on the grounds of:

- sex
- gender reassignment
- race
- disability
- sexual orientation
- religion
- belief
- age

14. ABUSE OF THIS POLICY

- 14.1 Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

15. ALTERATIONS AND AMENDMENTS TO THIS POLICY

- 15.1 This policy does not form part of an employee's contract of employment. The Council reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the council.

Additional information

For further information, please contact Melanie Stephens, Parish Clerk by emailing clerk@fair oak-pc.gov.uk

Amendment Record

Version 1: July 2019



Fair Oak & Horton Heath Parish Council

2 Knowle Park Lane, Fair Oak, Eastleigh, SO50 7GL

Telephone: (023) 8069 2403 email: enquiries@fairoak-pc.gov.uk

ANTI-BRIBERY POLICY

1. CONTEXT

1.1 The Council values its reputation for ethical behaviour and for financial probity and reliability. It recognises that over and above the commission of any crime, any involvement in bribery will also reflect adversely on its image and reputation. Its aim therefore is to limit its exposure to bribery by:

- setting out a clear anti-bribery policy,
- establishing and implementing anti-bribery procedures as appropriate,
- communicating this policy and any relevant procedures to employees and to others who will perform services for the Council,
- undertaking appropriate due diligence measures before engaging others to represent the Council in its business dealings,
- monitoring and reviewing the risks and the effectiveness of any anti-bribery procedures that are in place.

2. POLICY

2.1 The Council prohibits the offering, giving, solicitation or acceptance of any bribe (whether cash or other inducement): -

- to or from any person or Council (wherever they are situated and whether they are a public official or body or private person or Council),
- by any individual employee, agent or other person or body acting on behalf of the Council,
- in order to gain any commercial, contractual or regulatory advantage for the Council in a way that is unethical,
- or in order to gain any personal advantage (pecuniary or otherwise) for the individual or anyone connected with the individual.

2.2 This policy prohibits any inducement that results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action that may not be solely in the interests of the Council or of the person or body employing them or whom they represent.

2.3 This policy is not meant to prohibit normal and appropriate gifts of hospitality, providing they are proportionate and are properly recorded.

2.4 Inevitably, decisions as to what is acceptable may not always be easy. If you are in any doubt as to whether a potential act constitutes bribery, the matter should be referred to the Parish Clerk before proceeding.

3. EMPLOYEES' RESPONSIBILITY

3.1 The prevention, detection and reporting of bribery is the responsibility of all employees and the Council is committed to:

- encouraging employees to be vigilant and to report any suspicion of bribery,
 - providing employees with suitable channels of communication and ensuring that sensitive information is treated appropriately,
 - investigating instances of alleged bribery and assisting the police and other appropriate authorities in any resultant prosecution,
 - taking disciplinary action against any individual(s) involved in bribery.
- Any suspicion of bribery should be reported in confidence to the Managing Director who
- has overall responsibility for bribery prevention.

Additional information

For further information, please contact Melanie Stephens, Parish Clerk by emailing clerk@fairoak-pc.gov.uk

Amendment Record

Version 1: July 2019

FAIR OAK & HORTON HEATH COUNCIL FORWARD PLAN: to May 2020

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This Forward Plan sets out matters which may be considered by Council in the yearly committee cycle. It includes items on which a “key decision” is likely to be taken.

A KEY DECISION IS - A decision which is likely to:

- Result in the Council incurring expenditure or making savings which amount to either £50,000 or 20% (whichever is the larger) of the gross expenditure budget to which the decision relates; or
- Be significant in terms of its effect on communities living or working in the Parish Council area.

KEY	ITEM	TO BE TAKE N BY	DATE DECISION TO BE TAKEN	PRE-DECISION SCRUTINY	DESCRIPTION	LEAD OFFICER / MEMBER
18 NOVEMBER 2019						
No	HR Policies – Anti-Bribery & Anti-bullying & harassment, Disciplinary & grievance	Full Council	18 November 2019		To adopt essential HR Policies	Clerk/Cllr Higby
No	Task & Finish Groups Progress Report	Full Council	18 November 2019	Task & Finish Groups	To consider preliminary findings of the Groups	Clerk
No	Data Protection Policies	Full Council	18 November 2019		To approve the adoption of key corporate documents	Clerk
16 DECEMBER 2019						
Yes	Parish Precept/Budget 2020/21	Full Council	16 December 2019	Finance Committee	To set the precept and annual budget	Clerk/RFO
No	Events Planning	Full Council	16 December 2019	Asset Committee	To consider developing a programme of community events	Clerk/Deputy Clerk

No	Financial Regulations	Full Council	16 December	Finance Committee	To approve financial regulations following updates to the model regs	Clerk/RFO
No	Woodland Community Centre Progress Report	Full Council	16 December 2019		To consider progress of the activities at the Centre following year of being open	Clerk/RFO/Bookings Officer
20 JANUARY 2020						
No	Cricket Club SLA	Full Council	20 January 2020	Asset Committee	To agree SLA	Clerk
No	Corporate Plan/Community Engagement Action Plan	Full Council	20 January 2020		To review progress	Clerk
No	HR Policies – Equalities & whistleblowing	Full Council	20 January 2020		To adopt HR policies	Clerk/Cllr Higby
No	Review of Bookings Policy	Full Council	20 January 2020	No	Review of Bookings Policy	Bookings Officer/Full Council
No	Task & Finish Groups	Full Council	20 January 2020		To findings of the Groups	Clerk
17 FEBRUARY 2020						
No	Internal Auditor's Report	Full Council	17 February 2020		To consider recommendations	Clerk/RFO
No	HR Policies – paternity, maternity & shared parental leave	Full Council	17 February 2020		To adopt HR policies	Clerk/Cllr Higby
No	Task & Finish Group Updates	Full Council	17 February 2020		To receive any updates as necessary	Clerk
No	HR Policies	Full Council	20 January 2020		To adopt HR policies	Clerk/Cllr Higby

KEY	ITEM	TO BE TAKEN BY	DATE DECISION TO BE TAKEN	PRE-DECISION SCRUTINY	DESCRIPTION	LEAD OFFICER / MEMBER
16 MARCH 2020						
No	Review of Standing Orders	Full Council	16 March 2020		To review Standing Orders	Clerk
No	Horton Heath Community Centre Progress Report	Full Council	16 March 2020		To review the progress of the Community Centre.	Clerk
20 APRIL 2020						
Yes	Draft Accounts	Full Council	20 April 2020	Finance Committee	To approve accounts for forthcoming year	Clerk/RFO

This forward plan does not include standard items

Contact Officer: Melanie Stephens, Clerk

OUTSIDE BODIES REPRESENTATIVES 2019/20

ORGANISATION	REPRESENTATIVES	REPORTING SCHEDULE TO COUNCIL
Allotment Association	Cllr M Jermy	July 19
Eastleigh District Association of Local Councils	Cllr N Couldrey	August 19
Fair Oak Village Hall Management Committee	Cllr H McGuinness	September 19
Street Pastors	Cllr P Spearey	October 19
Fair Oak Squash Club	Cllr H Douglas	November 19
Twynams Trustees	Vacancy	December 19
Y-Zone Management Committee	Cllr H Douglas	January 20