

**FULL COUNCIL – 21 JUNE 2021****COUNCIL CONSTITUTION – BRIEFING NOTE**

The Council must by law have robust governance documents such as a publications scheme, code of conduct and standing orders, as well as having best practice documents to help the Council run its business.

The Clerk has reviewed and written new documents which will underpin how the Council will manage its business.

These documents have been compiled into one single document – the Council's Constitution. This will be a living document and will be reviewed annually.

The documents highlighted in yellow in the introduction to the constitution require member approval for their adoption. Namely:

| Chapter | Content                                   | Adoption/Review Date |
|---------|-------------------------------------------|----------------------|
| 1       | Introduction                              | June 2021            |
| 5       | Training Policy                           | June 2021            |
| 6       | Councillor and Officer Relations Protocol | June 2021            |
| 7       | RFO Protocol                              | June 2021            |
| 9       | Complaints Policy                         | June 2021            |
| 12      | Access to Information Policy              | June 2021            |
| 13      | Information Policy                        | June 2021            |
| 14      | Publication Scheme                        | June 2021            |
| 15      | Information Retention and Disposal Policy | June 2021            |
| 16      | Community Engagement Strategy             | June 2021            |
| 17      | Media Communication Protocol              | June 2021            |

Some policies have already been adopted or are due for review in July.

**RECOMMENDATION**

- a) That the individual policies be adopted for inclusion in the Council's constitution;  
and
- b) That the Clerk be authorized to make any typographical, spelling and grammatical errors as necessary.



## **FAIR OAK & HORTON HEATH PARISH COUNCIL**

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

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# CONSTITUTION

## CHAPTER 1 INTRODUCTION

Date Adopted 21 June 2021

## **1. Introduction**

- 1.1 Fair Oak & Horton Heath is a large parish within the Borough of Eastleigh. It has a population of approximately 11,000 people. Fair Oak and Horton Heath are semi-rural villages set in the heart of south Hampshire, situated 4 miles from the main town of Eastleigh.

## **2. The Council**

- 2.1 Fair Oak & Horton Heath Parish Council has 15 elected Members covering three wards, Fair Oak & Horton Heath North, South & Stoke Heights. The last election took place in 2019.

## **3. Responsibilities**

- 3.1 Fair Oak & Horton Heath Parish Council is responsible for several local services. It must provide some of these services by law; others are discretionary. Our key services include:

### **Public Open Spaces:**

Knowle Hill Conservation Area  
New Century Park  
Knowle Park  
Lapstone Playing fields (includes cricket wicket, three football pitches & tennis courts)  
Daisy Dip  
Oak Walk  
Dean Road  
Wyvern Meadow  
Lapstone Farm/Community Orchard  
Upper Barn Copse

### **Play Areas:**

New Century Park  
Meadowsweet Way  
Knowle Park (including a skate park)  
Upper Barn Copse  
Pembers Hill

### **Buildings:**

Cricket Pavilion  
Horton Heath Community Centre  
Woodland Community Centre  
Parish Office  
Library (run by an independent Charity)

### **Allotments:**

Campbell Way  
Knowle Park

### **Other:**

Fair Oak Cemetery, Bus shelters (x2) & Village Clock

## **4. Parish Council & Committees**

- 4.1 Fair Oak & Horton Heath Parish Council is a statutory corporation - that is, a body created by government under an Act of Parliament.
- 4.2 The Council makes all policy and other decisions within the powers given to a parish council

by law such as setting the annual budget and parish precept element of council tax. The council also has an Asset Committee who are responsible for overseeing the operational management of the council and a Finance & Staffing Committee who oversee the financial & staffing management. The terms of reference for these committees are set out in the Council's standing orders, Annex B.

- 4.3 The council also fulfils the responsibility of a commenting authority for planning applications within the parish. The council has delegated the Deputy Clerk with powers to respond to minor applications following consultation with all members and these comments are published monthly on the Council's website. The Full Council considers major applications.
- 4.4 Finally, the council has several task & finish groups which meet on an ad hoc basis. The Council has a standing Budget Task & Finish Group responsible for scrutinising the council's budget and examining key projects to form part of future budgets.
- 4.5 Fair Oak & Horton Heath Parish Council's role is to deliver its services to the people of Fair Oak & Horton Heath in an open, transparent and cost-effective way, acting in the best interests of its citizens. This sometimes means that the 'greater good' is more important than individual or group's interests, but this is what democratic local government is all about. Taking those decisions, after listening to the community, is the job of the Parish Councillors acting collectively as Fair Oak & Horton Heath Parish Council.
- 4.6 Staff deliver the Council's services in line with policies or directions as determined by Councillors, collectively in Council, a Committee or a Sub-Committee. They can advise Councillors on policy issues and statutory requirements the Council must meet. They carry out the day-to-day detailed management of the Council's services.

## **5. The Constitution**

- 5.1 The Constitution is the Council's internal rule book. It sets out how the Council will operate and how decisions are made. Some of the processes are required by law, while others are a matter for the Council to choose.
- 5.2 The Constitution contains procedural rules which apply to the conduct of meetings of the Council.
- 5.3 In order to ensure the sound management of the Council's financial affairs and good corporate governance, the Constitution includes financial regulations and rules that apply to all contracts for works and the supply of goods and services to the Council.
- 5.4 The Constitution is a living document. It is kept under continual review and is re-examined annually by Council.
- 5.5 The Constitution is split into several different chapters which form the Constitution for Fair Oak & Horton Heath Parish Council. The chapters are set out below.

## **6. Your rights and how you can get involved**

- Contact a councillor about any matter you are concerned about. There is information about councillors on our website. You can also phone us on 02380 692403 or e-mail us on [enquiries@fairoak-pc.gov.uk](mailto:enquiries@fairoak-pc.gov.uk)
- Come to Council meetings. We will advertise the dates, times and places of council meetings beforehand on the Council's website and social media pages. You can get more information from our website ([www.fairoak-pc.gov.uk](http://www.fairoak-pc.gov.uk)).

- Inspect agendas and minutes for formal meetings and see reports and background papers (except confidential ones) You can see public agendas, minutes and reports on our website ([www.fairoak-pc.gov.uk](http://www.fairoak-pc.gov.uk)).
- Look at the Work Programme & Corporate Action Plan to find out and have your say on the key decisions councillors and officers are due to make. You can look at this on our website ([www.fairoak-pc.gov.uk](http://www.fairoak-pc.gov.uk)).
- Complain to us if you think that we have failed to deliver a service that we promised or that we have not treated you politely and fairly. To make a complaint follow the procedure set out on our website ([www.fairoak-pc.gov.uk](http://www.fairoak-pc.gov.uk))
- Have your say on our proposals so that we can provide the right services and plan for the Parish, we need to know what you think about our services and priorities. We regularly consult local people via online surveys and facebook polls\*. If we ask you for your views, please take the time to give them to us.
- People who live in Eastleigh Borough also have the right to: vote at local elections (as long as you are on the electoral register) If you would like to register or apply for a postal vote for future elections, please contact Eastleigh Borough Council's Electoral Services by calling 02380 688201

## 7. Further information

7.1 For further information the Council can be contacted using the contact details on the cover page of this document.

## CHAPTER LIST

| Chapter | Content                                         | Adoption/Review Date |
|---------|-------------------------------------------------|----------------------|
| 1       | Introduction                                    | June 2021            |
| 2       | Standing Orders                                 | May 2021             |
| 3       | Financial Regulations                           | July 2021            |
| 4       | Employee Handbook                               | March 2021           |
| 5       | Training Policy                                 | June 2021            |
| 6       | Councillor and Officer Relations Protocol       | June 2021            |
| 7       | RFO Protocol                                    | June 2021            |
| 8       | Councillor Code of Conduct                      | May 2021             |
| 9       | Complaints Policy                               | June 2021            |
| 10      | Health and Safety Policy                        | March 2021           |
| 11      | Risk Management Strategy & Risk Register        | July 2021            |
| 12      | Access to Information Policy                    | June 2021            |
| 13      | Information Policy                              | June 2021            |
| 14      | Publication Scheme                              | June 2021            |
| 15      | Information Retention and Disposal Policy       | June 2021            |
| 16      | Community Engagement Strategy                   | June 2021            |
| 17      | Media Communication Protocol                    | June 2021            |
| 18      | Data Protection Policy/GDPR Privacy Information | July 2021            |

\*whilst we predominately undertake community engagement online, paper copies can be made available by calling the Parish Office on 02380 692403



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# CONSTITUTION

## CHAPTER 5 OFFICER & CLLR TRAINING POLICY

Date Adopted: 21 June 2021

## **1. Introduction**

1.1 This document forms the Council's Training Statement of Intent. It sets out:

- The Council's commitment to training
- The identification of training needs
- Corporate training
- Financial assistance
- Study leave
- Short courses/workshops
- Evaluation of training
- Links with other policies
- Reporting on progress

## **2. Commitment to Training**

2.1 The Council is committed to the on-going training and development of all Councillors and staff to enable them to make the most effective contribution to the Council's aims and objectives in providing the highest quality representation and services for the people of the parish.

2.2 According to the Chartered Institute of Personnel and Development (2007), training can be defined as *"A planned process to develop the abilities of the individual and to satisfy current and future needs of the organisation."*

2.3 The Council recognises that its most important resource is its Councillors and staff and is committed to encouraging both Cllrs and staff to enhance their knowledge and qualifications through further training. Some training is necessary to ensure compliance with all legal and statutory requirements.

2.4 The Council expects senior and specialist staff to undertake a programme of continuing professional development (CPD) in line with the requirements of their requisite professional bodies and all staff to undertake training as deemed necessary to fulfil their duties in accordance with their contract of employment and job description.

2.5 Providing training yields several benefits:

- Improves the quality of the services and facilities that the Council provides;
- Enables the organisation to achieve its corporate aims and objectives;
- Improves the skill base of the employees, producing confident, highly qualified staff working as part of an effective and efficient team; and demonstrates that the staff are valued.

2.6 Training and development will be achieved by including a realistic financial allocation for training and development in the annual budget, as well as taking advantage of any relevant partnership or in-house provision available.

## **3. Identification of training needs**

3.1 Staff will be asked to identify their development needs with advice from their line manager during their annual appraisal or regular meetings with their line manager. There are number of additional ways that the training needs of both Cllrs and staff

maybe recognised:

- Questionnaires
- During interview
- Following confirmation of appointment
- Formal and informal discussion (e.g. as part of staff Annual appraisal process)

3.2 Other circumstances may present the need for training:

- Legislative requirements i.e. First Aid, Fire Safety, Manual Handling
- Changes in legislation
- Changes in systems
- New or revised qualifications become available
- Accidents
- Professional error
- Introduction of new equipment
- New working methods and practices
- Complaints to the Council
- A request from a member of staff or Cllr
- Devolved services / delivery of new services

3.3 Staff who wish to be nominated for a training course should discuss this in the first instance during their appraisal; where it will be determined whether the training is relevant to the authority's needs and/or service delivery.

#### **4. Corporate Training**

4.1 Corporate training is necessary to ensure that staff are aware of their legal responsibilities or corporate standards e.g. Health and Safety, Data Protection and Equal Opportunities. Employees will be required to attend training courses, workshops or seminars where suitable training is identified.

#### **5. Resourcing Training**

5.1 An allocation will be made in the budget each year to fund training fees and travel expenses. The amount will be reviewed annually.

5.2 The Council subscribes to the National Association of Local Councils, South East Employers, and The Society of Local Council Clerks in order to receive regular up-dates on matters relevant to the sector and have access to the courses and conferences which are provided.

5.3 There will also be sufficient funds set aside for appropriate technical literature and other information.

#### **6. Financial Assistance**

6.1 It is important to note that all sponsored training must be appropriate to the needs of the Council, be relevant to the individual's role and is subject to the availability of financial resources. Each request will be considered on an individual basis and the benefits to the individual and the organisation will be identified.



6.2 Other considerations include the following:

- Implication of employee release for training course(s) on the operational capability of the Council
- The most economic and effective means of training
- Provision and availability of training budget

6.3 For approved courses Cllrs and staff can expect the following to be sponsored:

- The course fee
- Examination fees
- Associated membership fees
- One payment to re-take a failed exam

6.4 Cllrs and staff attending courses are expected to inform the Clerk immediately of any absences.

6.5 Failure to sit and examination an examination may result in the Council withdrawing future course funding and/or requesting the refunding of financial assistance. Each case will be considered on an individual basis.

6.6 The Council operates a Return of Service agreement. Any staff member undertaking post-entry qualifications funded by the Council must be aware that should they leave employment within two years of completion of the qualification they may be required to repay all costs associated with the undertaking of such training. Each case to be reviewed by the Clerk, or in the case of the Clerk's training, by the Chairman of the Council.

## **7. Study Leave**

7.1 Employees who are given approval to undertake external qualifications are granted the following:

- Study time to attend day-release courses
- Time to sit exams
- Study time of one day per examination (to be discussed and agreed by line manager in advance)
- Provision of study time must be agreed with the line manager prior to the course being undertaken.

## **8. Short Courses/Workshops/Residential Weekends (including conferences)**

8.1 Where staff attendance is required at a short course on a Saturday or Sunday, up to a normal working day of straight TOIL per day may be taken.

8.2 Cllrs and staff attending approved short courses/workshops/residential weekends can expect the following to be paid:

- The course fee (usually invoiced following the event)
- Travelling expenses in accordance with the Council's current policy
- Study time of one day per exam (to be discussed and agreed by line manager in advance)

- Provision of study time must be agreed with the line manager prior to the course being undertaken.

## **9. Short courses/workshops/residential weekends (including conferences)**

- 9.1 Where staff attendance is required at a short course on a Saturday or Sunday, up to a normal working day of straight TOIL per day may be taken.
- 9.2 Cllrs and staff attending approved short courses/workshops/residential weekends can expect the following to be paid:
- The course fee
  - Travelling expenses
  - Subsistence allowance

## **10. Training evaluation**

- 10.1 Records of all training undertaken by staff will be kept in the personnel files of each member of staff.
- 10.2 As part of the Council's continuing commitment to training and development, Cllrs and staff are encouraged to share information received and circulate training presentation papers for in-house training use. They are asked to provide feedback on the value and effectiveness of the training they undertake highlighting the key implications of new legislation, guidance and/or best practice for the on-going efficiency and effectiveness of the authority.

## **11. Linking with other Council Policies**

- 11.1 How will this link to the Council's other policies?
- Equality of opportunity in all aspects of Cllr and staff development;
  - Risk Management Policy - a commitment to Training and Development greatly assists in achieving good governance and an effective system of Risk Management;
  - Health and Safety Policy - on-going training and development is key to ensuring a positive approach to Health and Safety is embedded throughout the authority;
  - Undertaking training is a clear indication of Continuing Professional Development.

## **12. Reporting on Progress**

- 12.1 The Clerk will report at least annually to the Finance & Staffing Committee, detailing attendance at training over the year including an evaluation of courses attended.

## **13. Conclusion**

- 13.1 The adoption of a training policy should achieve many benefits for the Council. Training will:

- Widen skills and experience
- Provide opportunities to network
- Provide the skills to confront challenges
- Encourage innovation
- Raise the standards of the Council

#### **14. Transparency**

- 14.1 In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website [www.fairoak-pc.gov.uk](http://www.fairoak-pc.gov.uk)



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# CONSTITUTION

## CHAPTER 6

# PROTOCOL FOR CLLR/OFFICER RELATIONS

Adopted

June 2021

## **1. Introduction**

- 1.1 The purpose of this protocol is to guide Cllrs and staff of Fair Oak & Horton Heath Parish Council in their relations with one another and their dealings with other Cllrs and staff from any tier of Government in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This protocol is a written statement of current best practice and convention and seeks to promote greater clarity and certainty.
- 1.4 The protocol should ensure that Cllrs receive objective and impartial advice, and that staff are protected from accusations of bias, undue influence & bullying from Cllrs.
- 1.5 It also seeks to reflect the principles underlying the Code of Conduct which apply to Cllrs.
- 1.6 The objective of this code is to enhance and maintain the integrity of the Council and therefore demands high standards of personal conduct.
- 1.7 The protocol should be read in conjunction with the Code of Conduct and the relevant provisions of the Council's other adopted policies.

## **2. Principles underlying Cllr/staff relations**

- 2.1 The Nolan Report on Standards of Conduct in Local Government suggests that 'No local authority can function properly without a good relationship between its Cllrs and its staff. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.
- 2.2 The general principles which govern the conduct of Cllrs (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require Cllrs to respect the impartiality and integrity of an authority's statutory staff and other staff. Those principles are equally appropriate for staff in their dealings with Cllrs.

## **3. General protocol**

- 3.1 Both Councillors and staff are servants of the public and they are indispensable to one another, however, their responsibilities are distinct.
- 3.2 Roles of Cllrs
  - 3.2.1 Cllrs are responsible to the electorate and serve only so long as their term of office lasts.
  - 3.2.2 Cllrs are democratically elected and are accountable to the electorate for their actions.
  - 3.2.3 An important feature of each Cllr's role is to represent the interests of their constituents, irrespective of how they may have voted in an election.

- 3.2.4 The expectation is that Cllrs will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at Council meetings.

### 3.3 Roles of Officers

- 3.3.1 The Parish Clerk is responsible for day-to-day managerial and operational decisions within the Council and the provision of support to all Cllrs.
- 3.3.2 The Parish Clerk has a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law recorded in the Minutes of the Council.

## 4. Employer/Staff Issues

- 4.1 At the heart of this protocol, is the importance of mutual respect.
- 4.2 Cllr/staff relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Cllrs and staff should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 4.3 Cllrs should recognise in their dealings with staff that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved staff member.
- 4.4 It is proper for a Cllr to make written or oral representations about a matter affecting a constituent who also happens to be a staff member, but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the staff in any disciplinary or grievance procedures brought against the Council by the staff member.
- 4.5 Cllrs should not place inappropriate pressure on staff and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust respect and courtesy in Cllr/staff relations.
- 4.6 Cllrs and staff should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.
- 4.7 A Cllr should not raise matters relating to the conduct or capability of a staff member in a manner that is incompatible with the objectives of this protocol (such as in a public forum which might cause embarrassment/humiliation). This is a long-standing tradition in public service.
- 4.8 A staff member has no means of responding to such criticisms in public. If a Cllr feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of a staff member and fails to resolve it through direct discussion with the staff member, they should raise the matter with the Parish Clerk. The Parish Clerk will then investigate the facts and report back to the Cllr.
- 4.9 Any action taken against a staff member in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

- 4.10 A staff member should not raise with a Cllr matters relating to the conduct or capability of another staff member. This does not, however, prevent a staff member raising a concern with a Cllr under the Council's whistleblowing procedure.
- 4.11 Where a staff member feels that they have not been properly treated with respect and courtesy by a Cllr, they should raise the matter with the Clerk. In these circumstances, the Parish Clerk will take appropriate action either by approaching the individual Cllr or by referring the matter to the Borough Council's Monitoring Officer.
- 4.12 Guidance on personal relationships is contained in the Code of Conduct. Provided these are observed, more informal exchanges may be appropriate between Cllrs and staff outside business meetings and formal events. It is important that there should be a close working relationship between Councillors and staff. However, such relationships should never be allowed to become so close or appear to be so close as to bring into question the issue of impartiality into doubt.

## **5. Staff support to Cllrs: general protocol**

- 5.1 The Parish Clerk is responsible for day-to-day managerial and operational decisions within the authority and for the provision of support to all Cllrs.
- 5.2 Certain statutory staff members, such as the Parish Clerk and Responsible Financial Officer, have specific roles. These are addressed in Standing Orders and Financial Regulations. Their roles need to be understood and respected by all Cllrs.

## **6. Independence of the Parish Clerk**

- 6.1 The Parish Clerk is not answerable to any individual Councillor.
- 6.2 The Parish Clerk is an independent and objective servant of the Council as a single corporate body, recognising that the Council is responsible for all decisions and taking instructions from the Council in its capacity as a single corporate body.
- 6.3 The Parish Clerk has a right and a duty to report to the Council, or any committee or sub-committee on any issue which they deem appropriate.
- 6.4 They have a right and obligation to obtain sound advice as they deem appropriate in order to assist in their role in reporting to the Council.
- 6.5 As an independent and objective professional, the Parish Clerk (or such delegated staff member) advises the Council on whether decisions are lawful and ways in which decisions can be implemented.
- 6.6 The Parish Clerk, or another staff member, shall research topics of concern to the Council and provide unbiased information to enable the Council to make an informed decision.
- 6.7 The following key principles reflect the way in which the staff generally relate to Cllrs:
- 6.7.1 All staff are employed by and accountable to the Parish Clerk, where relevant through line managers.
  - 6.7.2 Support from staff is needed for all the authority's functions including Council, Committees and individual Cllrs representing their communities etc.
  - 6.7.3 Day-to-day managerial and operational decisions remain the responsibility of the Parish Clerk.

- 6.7.4 On occasion, a decision may be reached which authorises the Parish Clerk to act between meetings following consultation with the Chairman of the Council.
- 6.7.5 It should be recognised that it is the Parish Clerk, rather than the Cllr or Cllrs, who takes the action and it is the Parish Clerk who is legally accountable for it.
- 6.7.6 Cllrs must not issue orders, instructions or directions to staff.
- 6.7.7 Authorisation to carry out work on behalf of the Council can only be issued by the Parish Clerk and/or the Responsible Finance Officer.
- 6.7.8 Staff are accountable to their Line Manager and whilst staff should always seek to assist a Cllr, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Line Manager
- 6.7.9 Staff will do their best to give timely responses to Cllrs' enquiries. However, staff should not have unreasonable requests placed on them. Their work priorities are set and managed by their Line Managers.
- 6.7.10 Cllrs should avoid disrupting staff members work by imposing their own priorities.
- 6.7.11 Much of the work of the Council is time sensitive and staff are usually working to tight deadlines. In order to help minimise disruption and to enable staff, particularly Managers to plan and prioritise their work programme, Cllrs should always seek to make an appointment to see a staff member and give an outline of what issues are to be discussed. This will help staff to provide the most relevant advice as preparation and research where necessary can be carried out before the meeting.
- 6.7.12 Where Cllrs wish an officer/s to conduct a project or piece of work which will require a significant amount of staff time, a Cllr should first discuss their request with their line manager or with the Parish Clerk.
- 6.7.13 Cllrs should compare their own ideas and suggestions to the current Work Programme to ensure new projects are consistent with the agreed priorities and principles of the Council.
- 6.7.14 Before agreeing to any project or piece of work requested by Cllrs that will require a significant amount of staff time, officers should discuss the work with their line manager to evaluate capacity and set measurements for success.
- 6.7.15 Cllrs should try to give timely responses to enquiries from staff, particularly where the Council must itself comply with legal time limits for making decisions (for example in relation to planning applications).
- 6.7.16 Staff should not discuss with a Cllr personal matters concerning themselves or another individual staff member. This does not prevent an officer raising on a personal basis, and in their own time, a matter with their ward Cllr.
- 6.7.17 Cllrs and staff should respect each other's free time. Council business should only be discussed when both Cllr and staff member are acting in their official capacity.

## 7. Staff member advice to Party Groups and individual Cllrs

- 7.1 It must be recognised by all staff and Cllrs that in discharging their duties and responsibilities, staff serve the Council and not any political group, combination of groups or any individual Cllr of the Council.



- 7.2 In the law relating to parish councils, there is no provision for dealing with party political groups.
- 7.3 Staff must always maintain political neutrality. They are not servants of any party, group, or individual.
- 7.4 All staff must, in their dealings with political groups and individual Cllrs, treat them in a fair and even-handed manner.
- 7.5 Certain points must, therefore, be clearly understood by all those representing party groups. In particular:
- staff assistance must not extend beyond providing information and advice in relation to matters of Council business. Staff must not be involved in advising on matters of party business.
  - where staff provide information and advice to a party group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.
- 7.6 Whilst support for Cllrs' ward work is legitimate, care should be taken if staff are asked to accompany Cllrs to ward surgeries. In such circumstances:
- The surgeries must be open to the general public;
  - Staff should not be requested to accompany Cllrs to surgeries held in the offices or premises of political parties; and
  - Staff must never be asked to attend ward or constituency political party meetings.
- 7.7 It is acknowledged that some Council staff may receive and handle messages for Cllrs on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party-political purposes.
- 7.8 In seeking to deal with constituents' queries or concerns, Cllrs should respect the Council's procedures. Staff have many pressures on their time. They may not be able to carry out the work required by Cllrs in the requested timescale and may need to seek instructions from their Line Managers.

## **8. Use of Council resources**

- 8.1 A Cllr must, when using or authorising the use of the resources of the Council, act in accordance with the authority's requirements and ensure that such resources are not used for political purposes and that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Cllr has been elected or appointed.
- 8.2 The Council provides support services such as stationery, typing, printing, photocopying to Cllrs to assist them in discharging their role as Cllrs of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes

## **9. Cllrs' access to information and to Council documents**

- 9.1 There is a general presumption of open government within the Council.
- 9.2 Cllrs are free to approach any Council department to obtain such information, explanation and advice (about that department's functions) as they may reasonably need in order to assist them in discharging their role as Cllrs of the Council.
- 9.3 This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent.
- 9.4 Such approaches should normally be directed to the appropriate Line Manager concerned.
- 9.5 Where information is requested on behalf of a third party, this will be treated as a request made under the Freedom of Information Act 2000, and the Council's normal procedures under that Act will be followed.
- 9.6 As regards the legal rights of Cllrs to inspect Council documents, these are covered partly by statute and partly by the common law.
- 9.7 Cllrs have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council.
- 9.8 This right applies irrespective of whether the Cllr is a Cllr of the Committee or Sub Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.
- 9.9 This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting. The items in question are those which contain exempt information relating to staff, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 9.10 A Cllr has *prima facie* right to inspect Council documents so far as their access to the document is reasonably necessary to enable the Cllr properly to perform his/her duties as a Cllr of the Council. This principle is commonly referred to as the 'need to know' principle.
- 9.11 The exercise of this common law right depends therefore, upon an individual Cllr being able to demonstrate that she/he has the necessary 'need to know'. In this respect, a Cllr has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not enough. The crucial question is the determination of the 'need to know'. This question must initially be determined by the Parish Clerk.
- 9.12 In some circumstances (e.g. a Committee Cllr wishing to inspect documents relating to the business of that Committee), a Cllr's 'need to know' will normally be presumed.
- 9.13 In other circumstances (e.g. a Cllr wishing to inspect documents which contain personal information about third parties), the Cllr will normally be expected to justify the request in specific terms.
- 9.14 In some circumstances, duties of confidentiality to external bodies, or imposed by statute may override the common law right.
- 9.15 Any Council information provided to a Cllr must only be used by the Cllr for the purpose for which it was provided, i.e. in connection with the proper performance of the Cllr's duties as a Cllr of the Council. Therefore, for example, early drafts of Committee

reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

9.16 A Cllr must not:

- disclose information given to him/her in confidence by anyone or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and
- prevent another person from gaining access to information to which that person is entitled by law'

Any such breach of confidence may result in censure by the Council or, if sufficiently serious, in civil action against the Cllr and/or the Council for damages.

## **10. Correspondence (including email)**

- 10.1 Correspondence between an individual Cllr and a staff member should not normally be copied (by the staff member) to any other Cllr.
- 10.2 Where it is necessary to copy the correspondence to another Cllr, this should be made clear to the original Cllr.
- 10.3 In other words, a system of 'silent copies' should not be employed.
- 10.4 Letters and emails must be sent on Parish Council headed paper or from a Council account.
- 10.5 It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear in the name of the Chairman of the Council.
- 10.6 Letters and emails which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Cllr.

## **11. Publicity and press releases**

- 11.1 Local authorities are accountable to their electorate.
- 11.2 Accountability requires local understanding.
- 11.3 This will be promoted by the authority, explaining its objectives and policies to the electors and Council taxpayers.
- 11.4 Increasingly, local authorities see this task as an essential part of providing services.
- 11.5 Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, "to be welcomed".
- 11.6 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice.
- 11.7 The Government has issued a Code of Recommended Practice on Local Authority Publicity.

- 11.8 The purpose of the Code is to set out principles that should apply to all publicity at public expense and which traditionally have applied in both central and local government and concerns the content, style, distribution and such other matters as appropriate.
- 11.9 Staff and Cllrs of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code.
- 11.10 If in doubt, staff and/or Cllrs should initially seek advice from the Parish Clerk.
- 11.11 Care should be paid to any publicity used by the Council around the time of an election.
- 11.12 Press releases will be issued in accordance with the Media Communications Protocol as adopted by the Council.
- 11.13 Relations with the media are the responsibility of the Parish Clerk in consultation with the Chairman of the Council.
- 11.14 The Parish Clerk may authorise other staff to provide information or delegate day to day matters in accordance with the approved policy and protocol.
- 11.15 Cllrs may comment on approved Council policies but may not comment on behalf of the Council on any non-policy matter.
- 11.16 If any Cllr wishes to make comments to the press, it must be made clear that the comment is that of the individual Cllr and not necessarily the corporate view of the Parish Council.
- 11.17 The Parish Clerk will assist Cllrs in their relations with the media.
- 11.18 Any staff member assisting a Cllr with media relations must always act in the interests of the whole Council and in a politically impartial manner.
- 11.19 Other than factual statements, Cllrs should not seek assistance from a staff member with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

## **12. Involvement of local Cllr**

- 12.1 Whenever a public meeting is organised by the Council to consider a local issue, the Cllrs representing the Electoral Ward affected will be invited to attend the meeting.
- 12.2 More generally, staff should consider whether other policy or briefing papers, or other topics being discussed with Committee, should be discussed with relevant Ward Cllrs.

## **13. Conclusion**

- 13.1 Mutual understanding, openness and basic respect are the greatest safeguard of the integrity of the Council, its Cllrs and staff

## **14. Arbitration**

- 14.1 Where necessary, the Parish Clerk will arbitrate on the interpretation of this protocol.



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# **CONSTITUTION**

## **CHAPTER 7 RFO PROTOCOL**

Adopted

June 2021

## **1. Introduction**

- 1.1 Although Town and Parish Councils are not bound by sections of The Local Government Finance Act 1988 (section 111) the Parish Council acts in accordance with many of those principles in the interests of best practice as shown below.
- 1.2 The Parish Council's Responsible Finance Officer undertakes to discharge these statutory responsibilities in a positive way and in a manner, that enhances the overall reputation of the Council. In doing so, the Responsible Finance Officer will also safeguard, so far as is possible, Councillors and staff, whilst acting in their official capacities, from financial difficulties.

## **2. The Statutory Role of the Responsible Finance Officer**

- 2.1 The Responsible Finance Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- Audit Commission Act 1998
- The Accounts and Audit Regulations

- 2.2 The Responsible Finance Officer is responsible for:

- The proper administration of the Authority's financial affairs
- Setting and monitoring compliance with financial management standards
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- Providing financial information
- Preparing the revenue budget and capital programme
- Treasury management

- 2.3 Section 114 of the Local Government Finance Act 1988 requires the Responsible Finance Officer to report to Fair Oak & Horton Heath Parish Council, internal and external auditor if the Authority or one of its staff members:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure
- Has taken, or is about to take, an unlawful action which has resulted or would result in a loss of deficiency to the Authority
- Is about to make an unlawful entry in the Authority's accounts
- If the expenditure of the authority is likely to exceed the resources available to it to meet that expenditure

- 2.4 Section 114 of the 1988 Act also requires:

- The Responsible Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform their duties under Section 114 personally
- The Authority to provide the Responsible Finance Officer with sufficient staff, accommodation and other resources - including legal advice where necessary - to carry out their duties under Section 114

### **3. The Non-Statutory Role of the Responsible Finance Officer**

3.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) published "A Statement on the Role of the Finance Director in Local Government" in December 1999.

3.2 The five main areas where it considers the RFO *of a Local Authority* should contribute are given below. The first incorporates the statutory responsibilities referred to above:

- maintaining financial administration and stewardship e.g. advising on effective systems of internal control
- supporting and advising on the democratic process e.g. advising on developing an overall financial strategy
- contributing to corporate management e.g. ensuring financial resources are well managed
- supporting and advising officers in their operational roles e.g. ensuring that budgets are properly managed
- delivering services and providing information to members of the public and the community e.g. by providing financial and performance information

3.3 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Responsible Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Cllrs and staff.

### **4. The Protocol**

4.1 Having excellent working relations with Cllrs and staff will assist in the discharge of the statutory responsibilities of the Responsible Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Cllrs and staff should, therefore, work with the Responsible Finance Officer to discharge the Council's statutory and discretionary responsibilities.

4.2 The following arrangements and understandings between the Responsible Finance Officer, Cllrs and staff are designed to ensure the effective discharge of the Council's business and functions.

4.3 The Responsible Finance Officer will receive:

- (a) Advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Committee meetings and Sub-Committee meetings (or equivalent arrangements).
- (b) Advance notice of all emerging issues of financial concern.
- (c) Copies of all reports to Members.

4.4 The Responsible Financial Officer has the right:

- I. To attend and speak at any Council meetings.
- II. To call for any relevant information, whether confidential or otherwise, and to give that information (as appropriate) to anybody, including the District Auditor and the Ombudsman.

#### 4.5 The Responsible Financial Officer will:

- i. Ensure the head of paid service has up-to-date information regarding emerging issues including relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit.
- ii. Make enquiries into allegations of financial misconduct and, if appropriate, make reports to Member bodies.
- iii. Develop effective working relationship with the Internal and External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary).
- iv. In carrying out any investigation (whether under regulations or otherwise) the Responsible Finance Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
- v. Send copies of any report on the outcome of any investigation to each member of the authority and the person responsible for auditing the authority's accounts.
- vi. Have control of a budget sufficient to enable them to seek external professional opinion on any matter concerning their functions.
- vii. Report to the Council from time to time on the financial regulations and other matters of finance, and any necessary or desirable changes following consultation.
- viii. Report to the Council from time to time (as necessary) on the staff, accommodation and resources they require to discharge their functions.

#### **5. Deputising for the Responsible Finance Officer**

- 5.1 In the absence of the Responsible Finance Officer the Clerk will act as the nominated deputy. The Responsible Finance Officer's nominated deputy will have all of the rights and powers of the Responsible Finance Officer when discharging their role.
- 5.2 To ensure the effective and efficient discharge duties Cllrs and staff will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Responsible Finance Officer, as soon as practicable.
- 5.3 The Responsible Finance Officer is also available for Cllrs and staff to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements.
- 5.4 To ensure the effective and efficient discharge of this Protocol, the Responsible Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Responsible Finance Officer role.
- 5.5 This Protocol is in addition to any provisions in the Council's Financial Regulations.



## Appendix 1

### Summary of Responsible Finance Officer Functions

|    | Description                                                                                                                   | Source                                                                                                                    |
|----|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 1. | Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.                  | Section 114, 114a, 115, 116 Local Government and Finance Act 1988.                                                        |
| 2. | Appointment of Deputy.                                                                                                        | Section 114 Local Government and Finance Act 1988.                                                                        |
| 3. | Report on resources.                                                                                                          | Section 114 Local Government and Finance Act 1988.                                                                        |
| 4. | Responsibility for the administration of financial affairs.                                                                   | Section 151 Local Government Act 1972.                                                                                    |
| 5. | Borrowing, investment accounts and financial administration.                                                                  | Local Government Act 2003 Sections 1-92.                                                                                  |
| 6. | Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts. | The Accounts and Audit Regulations 2003<br>Local Authorities (Capital Finance and Accounting) (England) Regulations 2003. |



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# CONSTITUTION

## CHAPTER 9

# COMPLAINTS PROCEDURE INC VEXATIOUS COMPLAINANTS

Adopted

June 2021

## **1. Introduction**

- 1.1 Fair Oak & Horton Heath Parish Council aims to provide residents with the best possible service and if you are not happy about it, we'd like to hear from you. It's usually better to approach a Councillor or member of staff informally and try to resolve the situation. If that isn't possible or if that approach hasn't worked for you, please follow this complaints procedure.
- 1.2 We take all complaints seriously and do our best to learn from them. We will investigate complaints in a fair and proportionate way. Handling of complaints is undertaken with the strictest confidence. Making a complaint about us does not mean you will be treated differently to any other resident in the future. You will be treated politely and with respect.
- 1.3 This complaints procedure applies to complaints about our administration and procedures, including complaints about how our staff have dealt with your concerns.

## **2. This complaints procedure does not apply to complaints:**

- by one council employee against another council employee or by a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
- against Cllrs. These types of complaint refer to a breach of the Cllrs Code of Conduct, which can be found in our constitution. If this is the case, you should contact Eastleigh Borough Council's Monitoring Officer.

## **3. Other avenues to raise issues**

- 3.1 The best time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed or by simply coming to the meeting in person. There is always an opportunity to raise your concerns in Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council.

## **4. Formal complaints**

- 4.1 However, if your complaint is about our procedures or administration, we have a three-stage process. The process has been designed to ensure your complaint is dealt with as efficiently and satisfactorily as possible.
- 4.2 The three-stage process is outlined below:

### **Stage 1:**

- Your complaint will initially be dealt with by the Parish Clerk who will acknowledge your complaint within five working days. You may log your complaint in person, by phone, or by writing to or emailing the address and number set out above.
- The Parish Clerk will investigate each complaint and may ask for further information as necessary from you and/or from Cllrs or staff.
- The Parish Clerk will try to resolve your complaint within ten working days.
- If this is not possible, the Parish Clerk will provide an estimate how long the investigation is

likely to last.

### **Stage 2:**

- If you are not satisfied with the decision of the Parish Clerk or if your complaint concerns the Parish Clerk, you may make your complaint directly to the Chairman of the Council.
- The Chairman of the Council will investigate each complaint and may ask for further information as necessary from you and/or from Cllrs or staff.
- The Chairman of the Council will try to resolve your complaint within ten working days.
- If this is not possible, the Chairman will normally acknowledge your complaint within five working days and estimate how long the investigation is likely to last.

### **Stage 3:**

- If you remain dissatisfied with the response to your complaint, you may ask the Chairman of the Council to refer it to the Full Council.
  - Your complaint will be considered by Cllrs in a confidential session at the next Council meeting. You will be invited to attend this meeting and you will be notified in writing of the outcome of the review of your complaint after the meeting.
- 4.3 Every effort will be made to resolve complaints without undue delay. The complaints procedure is designed to put things right if something has not been done correctly, and if that's not possible, we will explain why.

## **5. Still not satisfied?**

- 5.1 We hope that we can satisfactorily resolve your complaint. However, if you are unhappy with the action we have taken, you can contact the following organisations:
- The Monitoring Officer, Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN. For more information visit [www.eastleigh.gov.uk](http://www.eastleigh.gov.uk) or call 023 8068 8000
  - For complaints that were related to financial matters where you think we have acted illegally or improperly please contact our External Auditor, PKF Littlejohn. For more information visit [www.pkf-littlejohn.com](http://www.pkf-littlejohn.com) or call 020 7516 2200
  - For complaints about information you have requested under the Freedom of Information Act 2000 or Data Protection Act 2018 contact the Information Commissioner For more information visit [www.ico.org.uk](http://www.ico.org.uk) or call 0303 1231113

## **6. Persistent or Unreasonable Complaints**

- 6.1 In a minority of cases people can pursue their complaints in a way which impedes looking into a complaint, has significant resource issues for the Council or is unreasonable. This Council defines persistent or unreasonable complainant as "those who, because of the frequency or nature of their contacts with the Council, unreasonably hinder the work of the Council".
- 6.2 To differentiate between complainants who pursue their complaints with vigour and those who act unreasonably, examples of what could be defined as unreasonable are: -
- Refusing to specify the complaint despite offers of help;
  - Refusing to cooperate with the investigation while expecting the complaint to be resolved;
  - Making groundless complaints about employees;

- Adopting a 'scattergun' approach i.e submitting a complaint to a number of different people at the Council or pursuing a complaint with the council and asking others to do the same i.e MPs, Police);
- Making excessive demands on the time of employees
- Recording conversations with officers without prior knowledge
- Submitting repeat complaints on the same topic after the complaints process has been completed;
- Refusing to accept the decision and repeatedly arguing the point;
- Pursuing unreasonable complaints that provide no, or inadequate, details to substantiate the allegation of wrong-doing/effort on the part of the Council

6.3 All complaints will be considered thoroughly and fully. However, if a complainant is felt to be acting unreasonable the employee should seek confirmation from the Clerk that the complainant can be regarded as persistent or unreasonable in accordance with this policy. The following procedure will then be followed.

*Where a complaint has been dealt with:*

- The Clerk will write to the complainant explaining why the decision has been taken and stating no further correspondence will be undertaken on the complaint or the issues they have raised.
- A copy of this procedure will be enclosed.

*Where the investigation is ongoing:*

- The Clerk will writing to the complainant explaining why the decision has been taken and will either:
- State future contact (phone, email, letter etc) will be directed to the Clerk only; or explain that contact with officers will be limited to once a week or other appropriate timescale: or
- Require any personal contacts to be in the presence of named witnesses; or
- State no further complaints on the same matter will be registered until the present complaint has been determined; or
- State that investigation has been terminated.

6.4 The above list is not exhaustive, and decision will be made on the appropriate way forward by the Clerk in consultation with the Chairman of the Council.

6.5 Any restrictions imposed under the above procedures will be kept under review and be removed if the need for them no longer exists.



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# CONSTITUTION

## CHAPTER 12

### ACCESS TO INFORMATION POLICY

Adopted on 21 June 2021

## **1. Background**

- 1.1 Information is a right. Every member of the public has a right to access our service. The Race Relations (Amendment) Act 2000, and the Disability Discrimination Act 2005, places a duty on local authorities to publish race and disability equality schemes. This includes making our information accessible to everyone.
- 1.2 The Freedom of Information Act 2018 gives every member of the public a right to request information on any aspect of our work. This means that people have a right to Parish Council information in a language or format that suits them, within reason.
- 1.3 Our policy is committed to making information (website, letters, emails, leaflets, reports, minutes) and services available:
  - To individuals
  - On request
  - In alternative formats
  - In alternative media
- 1.4 The Council Constitution sets out for the public our key goals and our values as a local authority. Promoting ethnic integration and diversity in Fair Oak & Horton Heath is one of our key values and this policy helps make us accessible to all.
- 1.5 This policy is part of our approach to equality and diversity. At Fair Oak & Horton Heath Parish Council, we do not discriminate when people want to access information and services.
- 1.6 All our policies will, upon request, be made *available in different formats such as large print, Braille, audio or in a different language*. They will also include the Council's contact details.

## **2. Scope**

- 2.1 This policy provides guidelines to make sure the Parish Council is accessible to everyone, including:
  - The public
  - Staff
  - Elected Cllrs
  - Partner organisations
- 2.2 The policy has been written both for staff and elected Cllrs in the Council. The policy has also been written so members of the public and partner organisations, with the aim of developing future protocols on accessibility that would cut across organisations.
- 2.3 This policy provides an overall framework for people to access us through:
  - Printed information
  - Electronic information
  - Face to face contact
  - Telephone
- 2.4 This policy covers all areas of access to information including alternative formats, translators and interpreters as well as other support for people at meetings.
- 2.5 Our policy aims to make accessible services and information straightforward and part of the Council's day-to-day work.

### **3. Accessing interpreters and translators**

- 3.1 This part focuses on making services accessible to people whose first language is not written or spoken English.
- 3.2 Interpreters are needed where a person finds that communicating in English is a barrier to getting the information, advice or service they need.
- 3.3 We have the following responsibilities regarding interpreters:
- To provide them on request
  - To use them only with a person's consent
- 3.4 Due to the low level of request for this service, the Council does not have direct access to interpreters, however if required, we will endeavour to respond within a reasonable timescale to find a suitable person who can provide an adequate level of interpretation.
- 3.5 At any point in time someone may want a document translated into a language other than English. The Council does not as a matter of course translate documents into other languages. However, if required, we will endeavour to respond within a reasonable time to find a suitable person who can provide an adequate level of translation.
- 3.6 Staff will ensure that both translators and interpreters sign a written undertaking that they will keep all information being translated or interpreted as confidential

### **4. Accessible information: using plain language**

- 4.1 Plain language is about making sure that everything we write is clear to read. The Plain English Campaign define plain English as 'something that the intended audience can read, understand and act upon the first time they read it'.
- 4.2 The Plain English Campaign list what they consider plain language to be:
- Using short words that are commonly used
  - Using 'you' and 'we'
  - Not being afraid to give instructions
  - Using positive language
  - Avoiding jargon
  - Explaining what acronyms stand for
  - Using words rather than abbreviations or symbols, for example 'care of', not c/o
  - Keeping sentences and paragraphs short (aim for maximum sentences of 15-20 words)
  - Using headings to break up writing
  - Explaining any technical terms you have to use
  - Avoiding long-winded sentences
  - Using the active voice 'I will eat jelly' rather than the passive voice 'jelly will be eaten by me'
  - Choosing a photograph, diagram or illustration to replace long written descriptions
  - Only using basic punctuation: , ; : / ( )
  - Avoiding phrases such as inter alia and raison d'être, where an English equivalent can be used

### **5. Accessible information: keeping documents clear**

- 5.1 Clear print is a design that takes into account a wider audience.
- Type size/face: we will always use font Arial 11 or above.
  - Type weight: medium or bold weight fonts are more accessible than light ones.



- Contrast: we aim for a clear colour contrast. Black text on a white background and **strong blue text on a yellow background** provides the best contrast.
- Inks which are of a darker tone of the same colour as the paper should be avoided.
- People with colour blindness may have problems distinguishing **reds** or **greens**.
- When using white type, we will make sure the background is dark to provide good contrast
- Using paper: we will avoid using glossy paper because the glare makes it difficult to read and will choose uncoated or matte paper.
- Thin paper should not be used when printing documents on both sides.
- If the text is showing through from the reverse side, then the paper is too thin, and remember that bold and large text is more likely to show through.
- Alternatively choose paper with a minimum density of 90gsm for double sided printing.
- Type styles: We will avoid sentences using CAPITAL LETTERS, *italics* or underlined text as these are generally harder to read. Bold is more accessible, but only in small amounts.

5.2 Page layout and word spacing: to make a document accessible:

- Keep the same space between each word.
- Do not condense or stretch words.
- Try not to write more than 60-70 letters per line.
- Do not split words at the end of lines.
- Align text to the left margin so it is easy to find the start and finish of each line.
- Avoid justified text as it creates uneven spacing between words.
- Break information down into sections with titles and sub-titles.

5.3 Navigational aids: we will use numbered headings and paragraphs in long documents and use a contents list or index to guide readers to relevant sections and pages.

5.4 It is also helpful to place clear page numbers in the same position on each page and leaving a space between paragraphs makes reading easier.

5.5 Illustrations: where possible we will try not to write letters over pictures

5.6 Watermarks: these can be confusing to a reader, although it is a very useful tool especially for DRAFT or CONFIDENTIAL documents. In addition, we will usually state DRAFT or CONFIDENTIAL in large bold print at the beginning of the document.

5.7 Large print: will be made available on request. The RNIB defines large print as a minimum font size of point 16. Action for Blind People recommend anything between point 16 to point 22. We will ask people what size they would like, as no single size suits everyone.

5.8 With long documents it is a good idea to ask the person whether they want all or part of a document made available in large print.

## 6. Accessible information in alternative formats

6.1 The Council has a responsibility to make materials in alternative formats available. Electronic information: can be adapted or translated before being sent out. In some cases, readers will have adaptations to their computers, so all they will need is an email.

6.2 Coloured paper: can help some readers with dyslexia. It is important to ask the individual reader what is best for them. Braille: some people prefer information in Braille. Before responding to requests for information in Braille it is important to check that the person would rather have information in Braille than on CD.

- 6.3 Translation: is a critical way to make documents accessible to people who read in other languages. All requests for translation must be met in the language requested.
- 6.4 British Sign Language in video clips: when needed, we will pay for an interpreter to sign the document in front of a camcorder.
- 6.5 Using pictorial information: people may find information easier to understand if text is supported by illustrations. These could include:
- Photos
  - Flow charts
  - Tables
  - Diagrams
- 6.6 Key points to remember when illustrating a printed text:
- Make sure the text is in plain language
  - Make sure the font is in a large size
- 6.7 MENCAP provide helpful information on how to make printed information accessible for people with learning disabilities and literacy difficulties.

## **Further Information**

Learning disabilities

MENCAP: [www.mencap.org.uk](http://www.mencap.org.uk)

Visual impairments/blindness:

Royal National Institute of the Blind: [www.rnib.org.uk](http://www.rnib.org.uk)

Hearing impairments/deafness:

Royal National Institute for the Deaf: [www.rnid.org.uk](http://www.rnid.org.uk)

Plain English Campaign: [www.plainenglish.co.uk](http://www.plainenglish.co.uk)



## **FAIR OAK & HORTON HEATH PARISH COUNCIL**

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# **CONSTITUTION**

## **CHAPTER 13**

# **INFORMATION POLICY**

Adopted

21 June 2021

## **1. The Information Policy**

1.1 This policy details how Fair Oak & Horton Heath Parish Council will abide by the following legislation:

- The Freedom of Information Act 2000
- The Privacy and Electronic Communications Regulations 2003
- The Environmental Information Regulations 2004

## **2. Freedom of Information Act 2000**

2.1 The Freedom of Information Act (FOIA) deals with access to official information. Individuals or organisations have the right to request information held by Fair Oak & Horton Heath Parish Council. It gives applicants two statutory rights. First, to be told whether or not the Parish Council holds the requested information; and second, and if the Parish Council does, to have that information sent to them. The Act is fully retrospective and applies to all information, not just information filed since the Act came into force.

2.2 Some information could be exempt from disclosure. There are 23 exemptions in the FOIA, some of which are absolute and some qualified.

2.3 Where information falls under an absolute exemption, the harm to the public interest that would result from its disclosure is already established, for example, in relation to personal information, or if disclosure would result in an actionable breach of confidence.

2.4 There are five exemptions that are likely to apply to information held by Fair Oak & Horton Heath Parish Council:

- Information that is readily accessible to the applicant by other means
- Information that constitutes Court records
- Information that is defined as personal data under the Data Protection Act 1998
- Information that has been provided in confidence
- Information prohibited from disclosure by law

2.5 If the Parish Council believes that the information is covered by a qualified exemption it will apply the public interest test. This favours disclosure where a qualified exemption or an exception applies. In such cases, the information may be withheld only if Fair Oak & Horton Heath Parish Council considers that the public interest in withholding the information is greater than the public interest in disclosing it.

2.6 Fair Oak & Horton Heath Parish Council will normally supply the information requested in the format requested within 20 working days of receipt of a written request; confirm whether or not it holds the information; advise whether a fee will be charged and provide the information (after any relevant fee has been paid) unless an exemption applies.

2.7 The FOIA allows Fair Oak & Horton Heath Parish Council to charge for answering Freedom of Information requests when costs exceed £450. In these cases we can decide to: -

- refuse the request; or
- comply with the request and charge for allowable costs as prescribed in the legislation; or
- comply with the request free of charge. The request for information will not be answered until the fee has been received.

- 2.8 Fair Oak & Horton Heath Parish Council does not have to confirm or deny the existence of the information or provide it if: an exemption applies; the request is vexatious; similar to a previous request; or, the cost of compliance exceeds an appropriate limit. If the Parish Council decides not to disclose the information requested it will give reasons for its decision, explain how the exemption or exception applies and explain the arguments under the public interest test.
- 2.9 If an applicant is unhappy with a refusal to disclose information, they can request a formal review of the decision by a person not directly involved with the refusal. If the review concurs with the decision not to disclose the information the applicant can appeal. The ICO will investigate the case and either uphold Fair Oak & Horton Heath Parish Council's use of an exemption or decide that the information must be disclosed.
- 2.10 Cases can be referred to the ICO if, for example, there has been excessive delay or if the application of an exemption or a refusal made on public interest grounds is disputed. The ICO may serve a decision notice on Fair Oak & Horton Heath Parish Council either confirming the decision or directing it to disclose information within a certain timescale. Non-compliance with a decision notice may constitute contempt of court.
- 2.11 Finally, if either the applicant or Fair Oak & Horton Heath Parish Council disagrees with the ICO's decision, an appeal can be lodged within 28 days to the independent Information Tribunal.

### **3. Environmental Information Regulations 2004**

- 3.1 These regulations give the public the right to access environmental information held by public authorities. Environmental information is divided into the following six main areas:
- i. The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings)
  - ii. Emissions and discharges, noise, energy, radiation, waste and other such substances
  - iii. Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment
  - iv. Reports, cost-benefit and economic analyses
  - v. The state of human health and safety, contamination of the food chain
  - vi. Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment)
- 3.2 As of June 2021, none of this information is held by Fair Oak & Horton Heath Parish Council.

### **4. Privacy and Electronic Communications Regulations**

- 4.1 The PECR apply to unsolicited electronic marketing messages sent by telephone, fax, email or text.
- 4.2 If Fair Oak & Horton Heath Parish Council wants to make automated telephone calls or send texts to individuals, they must have the subscriber's consent. If they wish, subscribers (individuals or businesses) can opt out of direct marketing phone calls both to a land line and a mobile number. People on the Telephone Preference Service register will not receive these types of calls unless they give their permission.
- 4.3 Individual and corporate subscribers can also register their objection to receiving unsolicited direct marketing by registering their number with the Fax Preference Service. Unsolicited marketing material by electronic mail (this includes texts, picture messages and emails) will only be sent if the person has chosen to receive them, unless

the email address was obtained as a result of a commercial relationship. The Council will always give the individual the opportunity to stop receiving the emails.

- 4.4 Spam is the use of electronic messaging systems (including most broadcast media, digital delivery systems) to send unsolicited bulk messages indiscriminately. The most widely recognised form of spam is e-mail spam, also known as unsolicited bulk email (UBE), junk mail or unsolicited commercial email (UCE).
- 4.5 Fair Oak & Horton Heath Parish Council has processes and software in place to protect the email server as far as reasonably possible from spam.

## **5. Additional Information**

- 5.1 Additional guidance on the Freedom of Information Act, Environmental Information Regulations and the Data Protection Act are available on the ICO's website: [www.ico.gov.uk](http://www.ico.gov.uk).

- 5.2 Alternatively, the ICO can be contacted by post, telephone or email:

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

Helpline telephone number: 01625 545745

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)



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# **CONSTITUTION**

## **CHAPTER 14 PUBLICATION SCHEME**

Adopted 21 July 2021

## **1. Introduction**

1.1 This policy lists the type of information held by Fair Oak & Horton Heath Parish Council and says what information is available to the public as part of our normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority.

1.2 The scheme commits an authority:

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

## **2. Classes of information**

2.1 Information that the Parish Council holds includes: -

- 1 Who we are and what we do  
Organisational information, locations and contacts, constitutional and legal governance.
- 2 What we spend and how we spend it  
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- 3 What our priorities are and how we are doing  
Strategy and performance information, plans, assessments, inspections and reviews.
- 4 How we make decisions  
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- 5 Our policies and procedures  
Current written protocols for delivering our functions and responsibilities.
- 6 Lists and registers  
Information held in registers required by law and other lists and registers relating to the functions of the authority.
- 7 The services we offer  
Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.



2.2 The classes of information will not generally include:

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

### **3. The method by which information published under will be made available**

- 3.1 The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.
- 3.2 Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.
- 3.3 In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
- 3.4 Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.
- 3.5 Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **4. Charges which may be made for information published under this scheme**

- 4.1 The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.
- 4.2 Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament. Charges may be made for actual disbursements incurred such as:
- photocopying
  - postage and packaging
- 4.3 Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.
- 4.4 If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

## 5. Written requests

- 5.1 Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.
- 5.2 Information available from Fair Oak & Horton Heath Parish Council under the Publication Scheme.
- 5.3 All information on the website is free, all hard copy will be charged at 10p per A4 sheet (b&w)

| Information to be published                                                                    | How the information can be obtained |
|------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Who we are and what we do</b>                                                               |                                     |
| Who is who on the Council and its Committees                                                   | Website/ hard copy                  |
| Contact details for the Cllrs and staff                                                        | Website/ hard copy                  |
| Location of the Parish Office/Parish buildings and accessibility details                       | Website/ hard copy                  |
| Staffing structure                                                                             | Website/ hard copy                  |
|                                                                                                |                                     |
| <b>What we spend and how we spend it</b>                                                       |                                     |
| Financial Regulations                                                                          | Website/ hard copy                  |
| Annual return form and reports by internal and external auditors                               | Website/ hard copy                  |
| Annual budget and precept demand                                                               | Website/ hard copy                  |
| Expenditure and income over £500                                                               | Website/ hard copy                  |
| Income and expenditure through the financial year as part of reports submitted at Full Council | Website/ hard copy                  |
| Grants given and received                                                                      | Website/ hard copy                  |
| List of current contracts awarded and value of contract                                        | Email / hard copy                   |
|                                                                                                |                                     |
| <b>What our priorities are and how we are doing</b>                                            |                                     |
| Current Corporate Plan                                                                         | Website/ hard copy                  |
| Annual Action Plan                                                                             | Website/ hard copy                  |
|                                                                                                |                                     |
| <b>How we make decisions</b>                                                                   |                                     |
| Standing Orders - how we make decisions                                                        | Website/ hard copy                  |
| Timetable of meetings (Council, any committee/sub- committee meetings)                         | Website/ hard copy                  |
| Agendas of meetings (as above)                                                                 | Website/ hard copy                  |
| Minutes of meetings (as above)                                                                 | Website/ hard copy                  |
| Reports presented to council meetings                                                          | Website/ hard copy                  |
| Responses to consultation papers                                                               | Website/ hard copy                  |
| Responses to planning applications                                                             | Website/ hard copy                  |
|                                                                                                |                                     |
| <b>Policies of the Council (inc the Constitution)</b>                                          | Website/ hard copy                  |
|                                                                                                |                                     |
| Lists and registers                                                                            | Website/ hard copy                  |
| Assets Register                                                                                | Website/ hard copy                  |
| Disclosure Log                                                                                 |                                     |
| Register of interest/gifts of hospitality/acceptance of office                                 | Website/ hard copy                  |
| Media Releases                                                                                 | Social media/website                |



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# **CONSTITUTION**

## **CHAPTER 15**

# **INFORMATION RETENTION & DISPOSAL POLICY**

Adopted

21 July 2021

## **1. Introduction**

- 1.1 Fair Oak & Horton Heath Parish Council accumulates a vast amount of information and data during its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various types of document.
- 1.2 Records are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 1.3 Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 1.4 It is important that documents are retained for an adequate period. If documents are destroyed prematurely the Council and individual staff could face prosecution and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.
- 1.5 In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

## **2. Scope and Objectives of the Policy**

- 2.1 The aim of this document is to provide a working framework to determine which documents are:
  - Retained - and for how long; or
  - Disposed of - and if so by what method.
- 2.2 There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
  - 'With compliments' slips.
  - Catalogues and trade journals.
  - Non-acceptance of invitations.
  - Trivial electronic mail messages that are not related to Council business.
  - Requests for information such as maps, plans or advertising material.
  - Out of date distribution lists.
- 2.3 Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 2.4 Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

### **3. Roles and Responsibilities for Document Retention and Disposal**

- 3.1 Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 3.2 Councils should ensure that all employees are aware of the retention/disposal schedule.

### **4. Document Retention Protocol**

- 4.1 Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 4.2 Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
  - Facilitate an audit or examination of the business by anyone so authorised.
  - Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
  - Verify individual consent to record, manage and record disposal of their personal data.
  - Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 4.3 To facilitate this the following principles should be adopted:
  - Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
  - Documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 4.4 The retention schedules in Appendix 1: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 4.5 Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

### **5. Document Disposal Protocol**

- 5.1 Documents should only be disposed of if reviewed in accordance with the following:
  - Is retention required to fulfil statutory or other regulatory requirements?
  - Is retention required to meet the operational needs of the service?
  - Is retention required to evidence events in the case of dispute?
  - Is retention required because the document or record is of historic interest or intrinsic value?
- 5.2 When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.

- 5.3 Documents can be disposed of by any of the following methods:
- Non-confidential records: place in wastepaper bin for disposal.
  - Confidential records or records giving personal information: shred documents.
  - Deletion of computer records.
  - Transmission of records to an external body such as the County Records Office.
- 5.4 The following principles should be followed when disposing of records:
- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Council being prosecuted under the General Data Protection Regulations.
  - the Freedom of Information Act or cause reputational damage.
  - Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
  - Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
  - Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 5.5 Records should be maintained of appropriate disposals. These records should contain the following information:
- The name of the document destroyed.
  - The date the document was destroyed.
  - The method of disposal.

## **6. Data Protection Act 1998 - Obligation to Dispose of Certain Data**

- 6.1 The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:  
Data that relates to a living individual who can be identified:
- a. from the data, or
  - b. from those data and other information which is in the possession of, or is likely to come into the possession of the data controller.
- It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.
- 6.2 The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.
- 6.3 Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:
- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.

- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.
- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

6.4 External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

## **7. Scanning of Documents**

7.1 In general, once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

7.2 As a general rule hard copies of scanned documents should be retained for three months after scanning.

7.3 Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

## **8. Review of Document Retention**

8.1 It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

8.2 This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- Local Council Administration, Charles Arnold-Baker, 10th edition, Chapter 11
- Local Government Act 1972, sections 225 - 229, section 234
- SLCC Advice Note 316 Retaining Important Documents
- SLCC Clerks' Manual: Storing Books and Documents
- Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000

## **9. List of Documents**

9.1 The full list of the Council's documents and the procedures for retention or disposal can be found below in Appendix 1: List of documents for retention and disposal. This is updated regularly in accordance with any changes to legal requirements.

## Appendix1 - List of documents for retention and disposal

| Document                                           | Minimum Retention Period  | Reason           | Disposal                                                                                                                                                                                                                |
|----------------------------------------------------|---------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minutes                                            | Indefinite                | Archive          | Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived and deposited with the County Records Office |
| Agendas                                            | 5 years                   | Management       | Bin (shred confidential waste)                                                                                                                                                                                          |
| Accident/incident reports                          | 20 years                  | Potential claims | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.                                                                                                |
| Scales of fees and charges                         | 6 years                   | Management       | Bin                                                                                                                                                                                                                     |
| Receipt and payment accounts                       | Indefinite                | Archive          | N/A                                                                                                                                                                                                                     |
| Receipt books of all kinds                         | 6 years                   | VAT              | Bin                                                                                                                                                                                                                     |
| Bank statements including deposit/savings accounts | Last completed audit year | Audit            | Confidential waste                                                                                                                                                                                                      |
| Bank paying-in books                               | Last completed            | Audit            | Confidential waste                                                                                                                                                                                                      |



| <b>Document</b>                                            | <b>Minimum Retention Period</b>                                | <b>Reason</b>                                         | <b>Disposal</b>                                                                                                         |
|------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
|                                                            | audit year                                                     |                                                       |                                                                                                                         |
| Cheque book stubs                                          | Last completed audit year                                      | Audit                                                 | Confidential waste                                                                                                      |
| Quotations and tenders                                     | 6 years                                                        | Limitation Act 1980 (as amended)                      | Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Paid invoices                                              | 6 years                                                        | VAT                                                   | Confidential waste                                                                                                      |
| Paid cheques                                               | 6 years                                                        | Limitation Act 1980                                   | Confidential waste                                                                                                      |
| VAT records                                                | 6 years generally but 20 years for VAT on rents                | VAT                                                   | Confidential waste                                                                                                      |
| Petty cash, postage and telephone books                    | 6 years                                                        | Limitation Act 1980                                   | Confidential waste                                                                                                      |
| Timesheets                                                 | Last completed audit                                           | Audit (requirement) / Personal injury (best practice) | Bin                                                                                                                     |
| Wages books/payroll                                        | 12 years                                                       | Superannuation                                        | Confidential waste                                                                                                      |
| Insurance policies                                         | While valid (but see next two items below)                     | Management                                            | Bin                                                                                                                     |
| Insurance company names and policy numbers                 | Indefinite                                                     | Management                                            | N/A                                                                                                                     |
| Certificates for insurance against liability for employees | 40 years from date on which insurance commenced or was renewed | Employers Liability (Compulsory Insurance)            | Bin                                                                                                                     |
| Park equipment inspection reports                          | 21 years                                                       | Public liability                                      | Bin                                                                                                                     |

| <b>Document</b>                                                                                                                                                                                       | <b>Minimum Retention Period</b>                            | <b>Reason</b>     | <b>Disposal</b>                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Investments                                                                                                                                                                                           | Indefinite                                                 | Audit, Management | N/A                                                                                                                                                                                                                                    |
| Title deeds, leases, agreements, contracts                                                                                                                                                            | Indefinite                                                 | Audit, Management | N/A                                                                                                                                                                                                                                    |
| Information from other bodies e.g. circulars from county associations, NALC, principal authorities                                                                                                    | Retained for as long as it is useful and relevant          |                   | Bin                                                                                                                                                                                                                                    |
| Local/historical information                                                                                                                                                                          | Indefinite - to be securely kept for benefit of the Parish |                   |                                                                                                                                                                                                                                        |
| <b>Record Keeping</b>                                                                                                                                                                                 |                                                            |                   |                                                                                                                                                                                                                                        |
| To ensure records are easily accessible it is necessary to comply with the following:<br>A list of files stored in cabinets will be kept;<br>Electronic files will be saved using relevant file names | The electronic files will be backed up daily               | Management        | Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |

| <b>Document</b>                                         | <b>Minimum Retention Period</b>                   | <b>Reason</b> | <b>Disposal</b>                                                                                                                        |
|---------------------------------------------------------|---------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------|
| General correspondence                                  | Retained for as long as it is useful and relevant | Management    | Bin (shred confidential waste)<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| Correspondence relating to staff                        | Kept securely for 3 years following departure.    |               | Confidential waste<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.             |
| <b>Documents from legal matters, negligence</b>         |                                                   |               |                                                                                                                                        |
| Negligence                                              | 6 years                                           |               | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.               |
| Defamation                                              | 1 year                                            |               | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.               |
| Contract                                                | 6 years                                           |               | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.               |
| Leases                                                  | 12 years                                          |               | Confidential waste.                                                                                                                    |
| Sums recoverable by statute                             | 6 years                                           |               | Confidential waste.                                                                                                                    |
| Personal injury                                         | 3 years                                           |               | Confidential waste.                                                                                                                    |
| To recover land                                         | 12 years                                          |               | Confidential waste.                                                                                                                    |
| Rent                                                    | 6 years                                           |               | Confidential waste.                                                                                                                    |
| Breach of trust                                         | None                                              |               | Confidential waste.                                                                                                                    |
| Trust deeds                                             | Indefinite                                        |               | N/A                                                                                                                                    |
| <b>For Centres &amp; Recreation Grounds</b>             |                                                   |               |                                                                                                                                        |
| Application to hire, Invoices, Record of tickets issued | 6 years                                           | VAT           | Confidential waste<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.             |
| Lettings diaries                                        | Electronic files linked to accounts               | VAT           | N/A                                                                                                                                    |
| Terms and Conditions                                    | 6 years                                           | Management    | Bin                                                                                                                                    |

| <b>Document</b>             | <b>Minimum Retention Period</b>                                 | <b>Reason</b>     | <b>Disposal</b>                                                                                           |
|-----------------------------|-----------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------|
| Event Monitoring Forms      | 6 years unless required for claims, insurance or legal purposes | Management        | Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |
| <b>For Allotments</b>       |                                                                 |                   |                                                                                                           |
| Register and plans          | Indefinite                                                      | Audit, Management | <b>N/A</b>                                                                                                |
| Legal papers                | Indefinite                                                      | Audit, Management | <b>N/A</b>                                                                                                |
| <b>Planning papers</b>      |                                                                 |                   |                                                                                                           |
| Applications                | 1 year                                                          | Management        | Bin                                                                                                       |
| Appeals                     | 1 year unless significant development                           | Management        | Bin                                                                                                       |
| Trees                       | 1 year                                                          | Management        | Bin                                                                                                       |
| Local Development Plans     | Retained as long as in force                                    | Reference         | Bin                                                                                                       |
| Local Plans                 | Retained as long as in force                                    | Reference         | Bin                                                                                                       |
| Code of Practice            | Destroy on renewal<br>Review annually                           | Management        | Confidential waste                                                                                        |
| Photographs/ digital prints | 31 days                                                         | Data protection   | Confidential waste                                                                                        |



## **FAIR OAK & HORTON HEATH PARISH COUNCIL**

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

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# CONSTITUTION

## CHAPTER 16

# COMMUNITY ENGAGEMENT STRATEGY

Adopted: 21 June 2021

## **1. Background and principles**

1.1 Fair Oak & Horton Heath Parish Council (FOHHPC) recognises the need to consider the impact of its actions on others and the surrounding environment.

1.2. A key component in FOHHPC's corporate plan is to get residents involved in the democratic process.

1.3. The Localism Act 2011 places considerable onus on increased involvement and therefore, initial guiding principles are required

1.4 Involvement principles

- FOHHPC cannot force any individual or group to become involved, but it can, and will, make it as easy as possible.
- It will always be clear, before the start of any participation or consultation activity, to what extent the result will inform a decision.
- If the outcome of a participation or consultation activity is intended to inform a decision and a different decision is taken, the reasoning behind that decision will be explained where necessary.
- Not every decision requires community involvement.

1.5 Engagement principles

- FOHHPC will be clear at the start of the event what output is expected, e.g. a recommendation, strategy suggestion etc
- Engagement events are not intended as an opportunity for individuals with an interest to lobby decision makers
- While individuals may well have links with groups that have a vested interest, they should not represent those groups in informing the process.
- The process should encourage people to take the wider view, and to ensure that those not able to be at an event have their views expressed by others.

1.6 Consultation principles

- If an event calls for wider public involvement, the event will be advertised locally allowing people time to organise their engagement with the event.
- Consultation events will sometimes be targeted at the relevant group or groups.
- Events will be time-bound.
- Specific, non-leading questions will be asked.
- Questions can be open (e.g. where do you think swings should be sited?) but not open-ended (e.g. what do you think should be done?).

## **2. Corporate aims and objectives**

2.1 Community engagement is embodied in the delivery of the Council's Corporate Plan.

2.2 Areas of focus in the Plan are: wellbeing: to build and foster a flourishing community

and environmental sustainability: covering the attractiveness, variety and accessibility of the Parish's green spaces and an increased focus on renewable energy, energy efficiency, waste reduction, and environmental enhancement to increase bio-diversity.

2.3 FOHHPC recognises that wellbeing and environmental sustainability are intrinsically interlinked and none of the aims can be achieved without a high level of community engagement.

2.4 The objectives of this strategy are to:

- Encourage effective local community engagement.
- Ensure that there is a clear understanding of the need to engage with communities about decisions which affect them and that this is embedded throughout FOHHPC.
- Enable the aspirations/comments/suggestions etc. obtained from community engagement to have an impact on decision making and the way in which services are being delivered.
- Identify the principles behind how FOHHPC can enhance its profile by improving engagement with the wider community (with specific reference to hard-to-reach groups).

### **3. Fair Oak & Horton Heath Parish Council and community engagement**

3.1 The Council currently facilitates community engagement in the following ways:

- Allocation of public participation at the beginning of each Council meeting, providing the opportunity for residents to talk to the Council or ask questions relating to items on the agenda.
- The publishing of agendas, minutes & reports for all council meetings on the website and social media.
- Active involvement in the annual parish meeting with its open forum for questions.
- The annual External Auditor provides the opportunity for questions to be asked about the latest statement of accounts and balance sheet. A synopsis of the financial accounts is published within the annual report.
- The ability to provide Council information in alternative formats or languages upon request.
- Making councillor contact details available on the website.
- News and events are publicised through the Council's website, social media and monthly e-bulletins.
- The annual report and statements of accounts are made available on the website and upon request in paper format.

- 3.2 Consultation exercises, surveys, Facebook pools and questionnaires are undertaken with residents, young people and local user groups and organisations for specific projects and tasks.
- 3.3 Inviting members of the public to Open Forums & Task & Finish Groups.
- 3.4 Press releases featured in local media keep the general public informed of community events, projects and other Council items of interest.
- 3.5 Where and when appropriate, external resource may be utilised for a large and time-consuming consultation or engagement exercise.
- 3.6 Unlike other tiers of local government, Parish Cllrs always live within 3 miles of the area they serve and therefore have close ties to their constituents and local voluntary and community organisations on a day-to-day basis, making them uniquely placed in terms of informed representation.

#### **4 Future improvements**

- 4.1 The Council is committed to improving community engagement by enforcing the principles in section 1 and:
  - I. Continuing all the above activities and services into the future, improving relationships with community groups, developing measures to harness the views and opinions of people and groups who are often missed out of community engagement activities.
  - II. Identifying and embracing opportunities to work with other local community groups as and when the need arises.
  - III. Extending and developing the range of electronic communication including a presence on social networking media such as Facebook & Instagram.
  - IV. Participation in local networks to share knowledge and experience of community engagement activities in other areas.
  - V. Publishing the positive results that have been achieved from working relationships between the Council and other groups in order to encourage new relationships to be formed and raise community spirit.
  - VI. Ensuring that appropriate evaluation is carried out following consultation exercises to ensure that lessons learned are carried forward and an assessment of how effective and useful the consultation was for residents and the council.





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# **CONSTITUTION**

## **CHAPTER 17**

# **COMMUNICATIONS POLICY**

Adopted

21 July 2021

## **1 Introduction**

- 1.1 If communication is managed effectively, the Council will be able to create and seize opportunities to communicate with stakeholders and the public and build an accurate and positive reputation.
- 1.2 This protocol acts as a simple reference tool for any Cllrs or member of staff who engages with the media. It can clarify roles and responsibilities and help manage expectations.
- 1.3 The purpose of this protocol is to clarify the roles and responsibilities of Cllrs and staff in dealing with the media, and to provide guidance on how to handle media interest.
- 1.4 The Council recognises the need for openness, and this should be reflected in how the media communications are dealt with.
- 1.5 The aim of the protocol is to ensure that the Council is seen to communicate in a professional and objective manner. In all cases, the Council's approach to the media should be:
  - open and honest
  - proactive
  - responsive and timely

## **2 The Legal Context**

- 2.1 This protocol reflects the guidance to town & parish councils contained in the Code of Recommended Practice on Local Authority Publicity 2011 in which the following principles are listed:

Publicity by local authorities should:

- be lawful
  - be cost effective
  - be objective
  - be even- handed
  - be appropriate
  - have regard to equality and diversity
  - be issued with care during periods of heightened sensitivity; and the Council must have regard to it and follow its provisions
- 2.2 This protocol will also explain how Fair Oak & Horton Heath Parish Council will help achieve the following objectives:
    - Share and celebrate success
    - Give information about policies, services and events, and about the democratic process so that people feel more informed about the Council's work
    - Handle negative issues clearly and decisively

### **3 The Media**

- 3.1 Local and regional newspapers, independent radio and TV as well as national media have all covered stories relating to Fair Oak & Horton Heath in recent years. In addition, the internet and social media are vital media to disseminate local news.

### **4 Identifying Newsworthy Items**

- 4.1 It is the responsibility of everyone working within the Council to identify worthy news items as early as possible.

### **5 Handling Media Enquiries**

- 5.1 The Clerk supported by the Admin Officer will be responsible for all media enquiries and responses into the Parish office.
- 5.2 However, staff are encouraged to take responsibility and deal with requests themselves if they feel comfortable.
- 5.3 Cllrs who are directly approached by the media should respond in accordance with the guidance contained in this protocol.
- 5.4 The Council should not pass comment on leaks, anonymous allegations or allegations about individual Cllrs and staff. The Council is open and accountable and should always explain if there is a reason why it cannot answer a specific enquiry.

### **6 News Releases**

- 6.1 News releases are one of the techniques for publicising Council activities, decisions and achievements. They appear on our website and social media feeds.
- 6.2 There are two types of news releases - Official Council News Releases and Councillor News Releases.
- 6.3 Official Council Press Releases - An official Council release is made on behalf of the Council as a whole. It is non-party political and will normally include a quote from a relevant Councillor(s).
- 6.4 Official Council press releases will follow a corporate style appropriate for the media being targeted and a web-based record will be maintained. All releases will accurately reflect the corporate view of the Council.
- 6.5 News Releases will not promote the views of specific political groups, publicise the activities of individual Councillors, or persuade the general public to hold a particular view.
- 6.6 It should be borne in mind that a news release is not always the best way to publicise an activity or event and alternative ways of communicating it should be considered e.g. posters, mailings, websites, social media etc.

- 6.7 Councillor News Releases - Councillor news releases are personal and are written and issued by the Councillor responsible. They should be clear that the release is from Cllr X, Y ward to make it clear that it has not been issued by the Council. They may or may not be political and should not include the name of any staff member, use the Council crest or the Council telephone number as a point of contact.

## **7 Interviews**

- 7.1 Staff should never give their opinion on specific Council policy but must keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the Council's approved and agreed policies.

## **8 Media at Council meetings**

- 8.1 The media is welcome to attend meetings. During meetings Cllrs and staff should be mindful that any comments and messages are put across in a manner which gives the journalist an accurate picture, rather than relying on the journalist's interpretation of what can be a complex issue or report.

## **9 Publicity in Election Periods**

- 9.1 The rules governing publicity change when an election has been announced. In the period between the notice of an election and the election itself (Purdah) all proactive publicity about candidates or other politicians is halted. This applies to local, national or European elections. Conversely, Council business and the publicity associated with it can and should continue.
- 9.2 During this period council publicity should not deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual Cllrs or groups of Cllrs. This is to make sure that no individual Cllr or political party gains an unfair advantage by appearing in corporate publicity.
- 9.3 In these circumstances, where a quote is required, the relevant member of staff may be quoted, in accordance with the guidelines in this protocol. The Clerk is able to advise on the detail of Purdah.

## **10 Non-Council Related Media Activity**

- 10.1 Cllrs and staff who have contact with the media in a personal capacity or as members of non-Council related organisations must not refer to their Council posts and must make it clear to the journalist concerned that they are speaking in a personal capacity or on behalf of the non-Council related organisation.

## **11 Managing Negative Issues**

- 11.1 From time to time the Council has to respond to negative issues. It is important that these situations are managed carefully so as to limit the potential for negative publicity.
- 11.2 Cllrs and staff must alert the Clerk as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.

- 11.3 Cllrs and staff will work together to prepare holding statements, other information and carry out research even if no media have contacted the Council about an issue.

## **12 Correcting Inaccurate Reporting**

- 12.1 Should the media publish something inaccurate about the Council, a quick decision needs to be taken by the Clerk on any action necessary to correct it.
- 12.2 This could be a letter, email, a post on social media or news release, or in exceptional circumstances to take legal advice. It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can sometimes be counterproductive to correct inaccuracies. Each case must be judged individually.
- 12.3 Occasionally the Council will get something wrong. In these cases, damage limitation is the key, this can usually be achieved by accepting responsibility, apologising, and stating how we are going to learn from the error or put it right.

## **13 Monitoring and Evaluation**

- 13.1 The Council will continually monitor the media coverage and collate it.

## **14 Freedom of Information and Data Protection**

- 14.1 Cllrs are reminded that they must not misuse Council resources for political or other inappropriate purposes. Should the Council receive a request for information under the Freedom of Information Act 2000 on a topic on which there is correspondence (email or written), normally that correspondence would have to be disclosed, unless it was exempt. The fact that the disclosure of the correspondence may prove embarrassing would not, in itself, prevent disclosure.
- 14.2 In addition, care should be taken when processing personal data and the Council will following the requirements under the Data Protection Act 2018.

## **15 Internet Acceptable Use Policy**

- 15.1 Internet use covers all the Council website, social networking sites such as Facebook, forums and blogs and both Cllrs and staff are encouraged to use them.
- 15.2 If the above are used in an official capacity or on Council related business, the guidance in this protocol must be adhered to and they must be used in a responsible and appropriate manner.
- 15.3 Under the consideration of Acceptable Use, when acting in the capacity of Fair Oak & Horton Heath Parish Council, websites and social media should not:
- contain content that may result in actions for libel, defamation or other claims for damages be used to process personal data other than for the purpose stated at the time of capture
  - promote any political party or used for political campaigning
  - promote personal financial interests or commercial ventures

- be used for personal campaigns
  - be used in an abusive, hateful or disrespectful manner
- 15.4 If social media is used in an unofficial capacity, Cllrs and staff should restrain from making remarks that could be construed as bringing the Council into disrepute.
- 15.5 The above points should provide useful guidance to prevent misinterpretation.
- 15.6 It is best practice on any personal profile for an online social media account to state clearly that the views are those of the individual and may not represent the views of the Parish Council. It is also advised that the Council's logo, or any other Council related material is not used on a personal online account, for example, website, blog or social media platform as a profile picture or icon representing that account.
- 15.7 The following dangers could occur with the personal or Council use of social media (please note this is not an exhaustive list):
- Sharing images or personal details could lead to the exploitation of vulnerable people or groups
  - Breaching a code of conduct, for example the 7 Principles of Public Life through tactless posting and commenting
  - Bullying, instigating or fuelling online persecution or inappropriate debate through thoughtless posting and commenting
  - Civil or criminal action taken against account holders relating to breaches of legislation
  - Damage to a councillor's reputation or a Council's reputation
  - The accidental or intentional release of confidential information
  - Virus or malware attacks through online sites or downloads compromising systems or networks relating to Council business
- 15.8 In light of these risks, we should all be mindful and practice safe social media use and ensure that:
- A consistent and considered approach is adopted and maintained in the use of social media by councillors and staff
  - Be aware that copyright laws do apply online
  - Make sure Council information remains confidential where necessary and is not compromised through the use of social media - including blogging and websites (by individual or group use)
  - Councillors adhere to the policies set out by various social media sites they are using, and are up-to-date with relevant legislation
  - Councillors and staff should be conscious that they are and will be held personally responsible for content they publish (including 'commenting') on any form of social media - whether during or out of office hours. It should also be noted that an untrue statement or breach of a particular code of conduct may incur a libel action against an individual.
  - Councillors and staff should remember that social media sites are in the public domain and information published can be readily distributed by others. Even if a post is deleted or taken down it has a life span that someone could have seen and distributed.
  - Councillors and staff must be aware and mindful that when using social media in a personal capacity it is expected they behave appropriately and in line with the Council's values and policies in the constitution. Any inappropriate online activity may

result in disciplinary.

- 15.9 Any Councillor receiving unwelcomed comments, threats, or harassment online should report it to the police. Any staff member should report it to the police and their line manager. If you feel your account is being attacked by someone acting as a 'Troll' it is best practice to ignore this person or persons and report the issue to the social media site on which the problem is occurring. There are also a number of options in relation to 'blocking' a person if the behaviour is particularly upsetting or abusive.

## **16 Young People and Publicity**

- 16.1 Guidelines should be followed if commissioning photographs of children (i.e. under 18 years of age) or if planning photography of children at events and using visual media for publicity purposes.