

Monitoring Officer

# North Kesteven Parish/Town Councils – Code of Conduct/Employee Grievance Guide



**North Kesteven**  
DISTRICT COUNCIL

JANUARY 2026

## Contents

Introduction .....	2
Background to Councillor Code of Conduct Complaints .....	2
Case Law: R (Harvey) –v- Ledbury Town Council 2018.....	2
Managing Employee Grievances .....	3
Performance of Employees .....	3
Supporting a Grievance .....	3
Local Council Processes .....	3
Conclusion .....	3

## **Introduction**

**This guide has been prepared to assist Parish and Town Councils within North Kesteven to manage situations where an employee submits a grievance that alleges inappropriate behaviour by a Councillor and the role of the District Council's Monitoring Officer/Standards Committee. Reference to the words 'Councillor' and 'Elected Member' have the same meaning in this context and apply to a councillor who is coopted to the Council when an election is not called to fill a vacant seat.**

**Whilst this note is intended to provide general advice as to the relevant legal principles, every Parish or Town Council (hereinafter referred to as Local Councils) should take its own legal or HR advice on specific matters relating to employment law issues to ensure legal compliance with both local government and employment law provisions.**

## **Background to Councillor Code of Conduct Complaints**

**Under the Localism Act 2011, all Councils must have a Code of Conduct for Members, which must be consistent with the Nolan Committee's principles of selflessness, honesty, integrity, objectivity, accountability, openness and leadership.**

**The District Council has a statutory role to deal with complaints about Member conduct that includes those of Local Councillors. It is for the District Council to decide the details of those procedures, but they must appoint at least one Independent Person whose views are to be considered before deciding on a complaint.**

**A Code of Conduct complaint cannot be made against a Local Council as a corporate body.**

**Details as to how to make a complaint can be found on NKDC's website:**

**[www.n-kesteven.gov.uk/council-democracy/how-council-works/your-councillors/councillor-conduct-standards](http://www.n-kesteven.gov.uk/council-democracy/how-council-works/your-councillors/councillor-conduct-standards)**

## **Managing Employee Grievances**

The Local Council, as the employer, is responsible for dealing with employment grievances and should have in place a process whereby employees can raise issues regarding their employment, commonly known as a grievance process. It is good practice to have a formal written policy which outlines the steps in place to resolve workplace disputes both informally and formally if they are not capable of resolution informally.

ACAS has produced guidance for employers when a grievance is raised and the steps that should be taken by an employer in seeking to resolve any issue raised. The link can be found below [www.acas.org.uk/grievance-procedure-step-by-step](http://www.acas.org.uk/grievance-procedure-step-by-step)

The Monitoring Officer does not deal with the employment aspects of a grievance, which remain the responsibility of the local council as employer.

## **Performance of Employees**

It is important that councillors can question, and probe officer performance provided it is done in an appropriate way. The process must be handled fairly, confidentially and without bias and at the appropriate forum, not in public.

In the operation and running of a local council, it is not inconceivable that relationships between Members and officers can sometimes become strained as there can be an inevitable degree of challenge between the two roles with some disagreements from time to time.

In some cases, officers have been known to reject reasonable criticism appropriately made and describe it as disrespectful or bullying. Further information to help understand the provisions of the Code can be found using the link below:

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

Having clearly defined policies and procedures in place for managing such workplace conflict which is consistent with both local government and employment law principles will assist.

## **Supporting a Grievance**

Where a grievance relates to alleged misconduct by a councillor, the matter should also be referred to the Monitoring Officer.

Although the Clerk may submit the Code of Conduct complaint, it is strongly advised that where the complaint is made by the Clerk, then the Chair of the Council does this on their behalf. If the Chair is the Subject Member, then the Vice-Chair of Council or Chair of a Staffing/Personnel Committee may submit the complaint. Where the complaint is from an employee, the Clerk may submit the complaint on their behalf.

**The Monitoring Officer will:**

**Assess the complaint to decide if it potentially breaches the Code of Conduct and determine the next steps in respect of the code of conduct complaint which may include**

- **Informal resolution (e.g. mediation, apology, training)**
- **Formal investigation under the standards framework**
- **No further action (with reasons provided)**

### **Local Council Processes**

**Councils should always seek their own employment legal and HR advice. It may be prudent to include a statement under your grievance procedure that allegations about Members' conduct should be addressed through the Code of Conduct process. That way, there is clarity for all concerned and employees do not have an expectation that the entirety of their grievance will be considered under the grievance process and that there may be a delay in any resolution if there is a potential breach of the Code of Conduct.**

**Consider taking some administrative and practical steps, for example:**

- i. agree with the Member for alternative means of contact, e.g. by email rather than by telephone or in person or working arrangements**
- ii. consider changing the reporting responsibilities of the employee so that they have less contact with the Member(s) or arrange for a second employee to be present when the Member and employee need to meet; or**
- iii. There might be agreement between the parties to pursue mediation. However, care needs to be taken not to cross the line by imposing a sanction.**

### **Conclusion**

**The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to express disagreement with officers. It is only where councillors' conduct is unfair, unreasonable, or demeaning that the Code of Conduct will be relevant.**

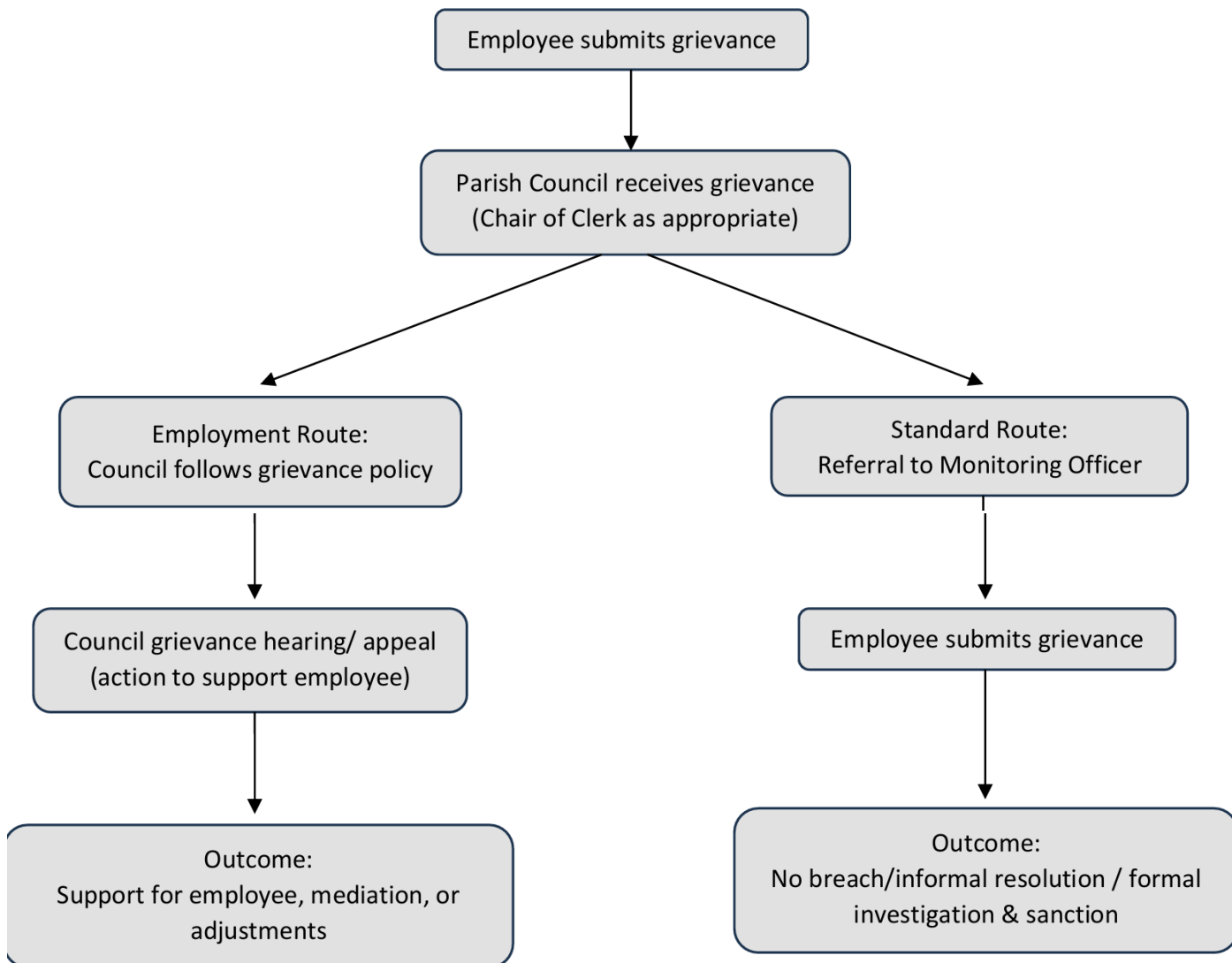
**Employment process: the local council is responsible and has a duty of care to progress the grievance in line with its policies and ensure a fair grievance process.**

**Standards process: the Monitoring Officer considers the councillors behaviour against the Code of Conduct. The Monitoring Officer may recommend informal actions or local resolution. The Standards Committee may recommend sanctions if a breach of the code of conduct is found, such as formal censure, training.**

**These processes should not conflict. The local council should liaise with the Monitoring Officer to avoid duplication or prejudice.**

## LOCAL COUNCIL EMPLOYEE GRIEVANCE PROCESS (INVOLVING COUNCILLORS)

This flowchart illustrates the process to be followed when a local council employee raises a grievance involving the alleged inappropriate behaviour of a councillor. It distinguishes between the council’s role as employer (employment grievance route) and the Monitoring Officer’s role (standards route)



<b>Date of Implementation:</b>	January 2026
<b>Policy Owner:</b>	Monitoring Officer
<b>Current Version:</b>	V2
<b>Next Review Due:</b>	December 2029