

## HALLOW PARISH COUNCIL - WORCESTERSHIRE

### TERMS OF REFERENCE FOR STAFFING COMMITTEE

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Adopted by Hallow Parish Council. November 2021

POWER TO DECIDE: Yes

POWER TO ACT: Yes

#### **1. General**

- a) The staffing committee will consist of at least three councillors appointed by council.
- b) **MEMBERSHIP:** The Chairman and Membership of the Committee is established at the Annual Parish Council Meeting or at a Council meeting. · The Chairman of the Committee shall be appointed at the first meeting of the Committee during the Municipal Year.
- c) The committee will be mindful:
  - of the legal framework for and good practice in employment matters.
  - of the confidential nature of employer-employee matters and that many of the items for consideration will require that the public and press be excluded by resolution of the committee.
  - of the nationally negotiated model contract and terms and conditions for the employment of the clerk to the council.
  - of the CALC model member-officer protocol.
  - that the clerk is the line manager for all other staff.
- d) **INTERESTS:** If a Member has a personal interest as defined by the Code of Conduct adopted by the Parish Council then he/she shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of the interest as required. N.B. If a Member who has declared an interest then considers the interest to be prejudicial, he/she must withdraw from the room during consideration of the agenda item to which the interest relates.

#### **2. Matters for recommendation to council**

The committee will receive reports and make recommendations to council regarding:

- a) staffing and office requirements.
- b) budget allocation.
- c) all policy issues relating to staff.

#### **3. POWERS AND RESPONSIBILITIES - Matters for delegation to the staffing committee**

Primary Purpose - to ensure the council complies with the requirements of employment law and follows best practice in providing good working conditions for staff, including health and safety.

- a) To be responsible for staff recruitment. To oversee the appointment and recruitment process of Council employees.
- b) To advise Council on issues of staff pay and conditions.
- c) To confirm individual contracts of employment and all terms and conditions
- d) To annually review and appraise the performance of employees and to set adjustments of salary levels. le To make arrangements for a regular objective review

of the clerk's performance by and take any necessary action. To decide upon annual salary awards

- e) Nominated member of the Staffing Committee to provide line-manager function for Clerk, including responsibility for day to day matters, such as authorisation of Clerk holiday, sick leave and absence from work. ·
- f) To ensure the Council complies with all legislative requirements relating to the employment of staff.
- g) To deal with any staff disciplinary matter in accordance with the Council's Disciplinary Procedure. To consider matters arising from the application of the council's disciplinary and grievance procedures and take all necessary action. As and when required under the council's disciplinary and grievance procedures, appoint an appeals panel, whose members will not be members of the staffing committee, and appoint the chairman of the appeals panel who will initiate an appeals panel meeting.
- h) To deal with any staff grievance in accordance with the Council's Grievance Procedure.
- i) Consider recommendations from the appeal panel and take any necessary actions.
- j) To periodically review all employment policies and procedures, including the Grievance and Disciplinary Procedures, and the Equality Statement, Fairness and Dignity at Work Policy.
- k) To ensure employees are appointed in accordance with the Council's Recruitment Procedure, Equal Opportunities Statement and Guidelines on Employment Practice.
- l) To recommend the appointment or termination of contract for the Clerk.

#### **4. MEETINGS**

The Committee will meet once per year, and as and when necessary. Meetings will be in private rather than in public due to the confidential nature of business.

#### **5. CONFIDENTIALITY**

All members must preserve confidentiality of all individual staffing matters pertaining to the business of the Committee.

#### **6. DELEGATED POWERS**

The Committee will have delegated powers, to act on behalf of the Council, to deal with all personnel, employment, recruitment issues, and financial matters.

## **POLICIES AND PROCEDURES FOR STAFFING COMMITTEE**

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Adopted by Hallow PC November 2021

### **STAFF ANNUAL LEAVE**

1. Staff Annual Leave must be taken at times agreed with the Full Council and/or Staffing Committee.
2. The annual leave year runs from 1 April to 31 March
3. Employees must give as much notice as possible when requesting annual leave. Where possible such notice should be in writing at least two weeks' prior to the requested annual leave or at least twice the number of days' leave that the employee wishes to take as annual leave
4. In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.
5. All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the year, although the dates of these may vary from year to year. Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a full-time employee.
6. All annual leave should be taken in the leave year during which it is accrued. You may carry forward up to 5 days' leave into the following leave year, subject to the approval of the Council.
7. Up to 3 days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes: • Husband, wife, or partner; • Mother or father; • Child, including any adopted child; and • Sister or brother A further day may be granted for attending the funeral. All applications for Compassionate Leave must be made to the Parish Clerk for determination. In exceptional circumstances, the Parish Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.
8. Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.
9. Wherever possible, employees should try and arrange medical and dental appointments outside normal working hours, or where this is not possible, at the beginning or end of a working day or at a time which causes least inconvenience to the Council. Employees should always try to obtain the prior approval of the Council/Staffing Committee to such an appointment, except in an emergency.

## **10. Parental Leave**

- 1.1 The Parental Leave regulations came into force as part of the Employment Relations Act 1999. They apply to all parents and those people with parental responsibilities and allow for them to take up to 18 weeks' unpaid leave for each child. This leave must be taken between the child's birth and their fifth birthday. If the child has disabilities and is in receipt of a Disability Living Allowance it must be taken before the child's eighteenth birthday. This scheme also applies to adoptive parents, who may take parental leave up to the fifth anniversary of the date of placement or the child's 18th birthday, whichever is sooner.
- 1.2 Eligibility The right to take up to 18 weeks' unpaid leave (or 18 weeks in respect of a child with disabilities) is subject to the following conditions:
  - The rights are acquired after one year's continuous local government service and apply to both mothers and fathers.
  - Both parents are entitled to take 18 weeks' parental leave for each child.
  - The leave can only be taken in blocks of one week or more, up to a maximum of four weeks in one year, except where the child is disabled, in which case it may be taken one day at a time.
  - The employee is obliged to give his or her manager at least 21 days' notice in writing to take leave.
  - The manager may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so.
- 1.3 The manager should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
  - Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
  - All terms and conditions of service, with the exception of pay, remain in force during the period of leave.
  - Employees have the right to return to their job in the same way as provided to those returning from maternity leave.
  - Time taken as parental leave counts as continuous service.
  - If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

## **11. Time Off For Dependants**

- 1.1 Under the Employment Rights Act 1996, all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work without notice in order to deal with unexpected emergencies affecting their dependants.
- 1.2 A dependant is:
  - A spouse;
  - A civil partner;
  - A child;
  - A parent;
  - A person who lives with the employee other than as his or her employee, tenant, lodger, or boarder;
  - Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
  - In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.
- 1.3 An employee is entitled to take time off work:
  - Where a dependant falls ill, gives birth, or is injured or assaulted;
  - To provide assistance following the death of a dependant;
  - Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
  - To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.
- 1.4 Although there is no requirement to give notice the employee must, as soon as possible, tell their line manager the reason for their absence and how long they expect to be away from work.

# **POLICIES AND PROCEDURES FOR STAFFING COMMITTEE**

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Adopted by Hallow PC November 2021.

## **STAFF SICKNESS ABSENCE**

**These Standing Orders form the Council's Sickness Absence Policy.**

- 1. Delegating the power to deal with other employees' absence to the clerk**
  - N/A – no other employees at this time.
  
- 2. Notification of a clerk's sick leave.**
  - The Chairman of the committee is to be notified of leave/request for absence by the Clerk/immediate family by phone. This should be no later than the end of the working day on which the absence first occurs.
  - Absence must be reported back to the committee for ratification as soon as possible. Ratification by email is acceptable until such time as the staffing committee can meet to formally ratify and make suitable arrangements (below).
  
- 3. Monitoring continued absence due to illness**
  - An appointed member of the committee is to maintain regular contact with the absent employee and to report via email to the other committee members on updates/progress.
  
- 4. Making arrangements for clerks' work to be completed in their absence.**
  - Upon ratification of the Clerk's sick leave, the committee should make arrangements to:
    - a. Review and if necessary implement the contractual arrangements for sickness contained in the Clerk's contract.
    - b. Ensure that HMRC monthly wage/PAYE and NI updates are completed in the first week of each month, via the computer app.
    - c. Review the minutes of the last meeting and decide upon urgent actions that need further work/completion.
    - d. Ensure that the minutes of the last meeting are compiled, if this has not yet occurred and if it is likely that the sickness/absence of leave is to extend over a period of two weeks or more. Draft minutes should be published on the Parish Council website by at least one month after the meeting.
    - e. Review the date of the next parish council meeting and if appropriate; confirm or cancel the meeting date, time and agenda according to present workloads, outstanding payments/invoices to be paid. (Parish, district and county councillors will need to be informed either way and Hall bookings may need to be cancelled if it is decided that the meeting can be postponed). Agendas must be published on parish council noticeboards and on the parish website at least three working days before the meeting (not including the meeting and not including Saturdays and Sundays and bank holidays).
  
  - f. The committee should investigate sensitively any long-term absence due to illness and the expected date of return, ascertaining if the employee is fit to return to work and that the employee's workload on the return to work is manageable and realistic.**

# **POLICIES AND PROCEDURES FOR STAFFING COMMITTEE**

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Adopted by Hallow PC November 2021.

## **DISCIPLINARY PROCEDURES**

NOTE: Councillors should ensure that the minutes of any committee or council meeting contain only the decision that was made and employees should not be referred to by name. Under the Data Protection Act 1998 personal data about employees must not be disclosed.

### **1. Purpose and Scope**

- 1.1** The disciplinary procedure provides for steps to be taken in the event that you fail to meet the Parish Council's standards of attendance, behaviour and performance or for any breach of any of the terms and conditions of your employment.

### **2. Principles**

- 2.1** The disciplinary procedure is designed to be fair to all and to ensure that you have a chance to put your side of the case where a disciplinary matter arises.
- 2.2** Any breach of any of the terms of your employment, or other serious breach of contract, misconduct, inefficiency or neglect by you while carrying out your duties may be treated as a disciplinary matter.
- 2.3** Conduct outside working hours which, in the opinion of the Parish Council, affects the performance of your duties or may bring the Parish Council into disrepute or adversely affect it may also be considered a reason for implementing the disciplinary procedure.

### **3. Informal Procedure**

- 3.1** If your work or conduct is considered unsatisfactory, an informal meeting may be arranged to explain any shortcomings and suggest ways of correcting them.
- 3.2** If any conduct or breach is considered sufficiently serious, the Parish Council in its absolute discretion may implement the formal procedure without reference to the informal procedure.
- 3.3** If the informal procedure is adopted, the Parish Council may write to you confirming the nature of the problem, agree objectives to remedy it and the timescale within which any breaches must be rectified. The informal warnings may be kept on your file for a period of six months and any further breaches may lead to the formal procedure being implemented.
- 3.4** The formal procedure will be initiated by the Parish Council if the informal procedure fails to result in the desired improvement or in the case of any matter that is considered sufficiently serious.

### **4. Formal Procedure**

#### **Investigation**

- 4.1** If there is a concern about your conduct, the Parish Council will investigate and for this purpose may, at its discretion, suspend you from work in which case you will be paid your

basic remuneration. This suspension may last as long as any investigation and disciplinary process is continuing.

**4.2** In its absolute discretion, the Parish Council may:

- a) Require you to attend investigatory hearings for the purpose of being questioned about the allegation(s). Refusal to answer appropriate questions may in itself be regarded as a disciplinary matter.
- b) Take witness statements from other individuals that were involved in relation to the allegation(s) or who may assist.
- c) Take time to collate documentary or other evidence that may be relevant to the allegation(s).

**4.3** The Parish Council will ensure that the investigation is carried out as quickly as possible but there are no time limits relating to the length of the investigation.

**4.4** The above procedure is not contractual and may be amended by the Parish Council at its absolute discretion.

**4.5** If, following any investigation, the Parish Council considers that you may have committed a disciplinary offence, you will be informed in writing of the allegation(s) against you and you will be requested to attend a disciplinary hearing.

#### **Right to be accompanied at a disciplinary hearing**

**4.6** You have the right to be accompanied to a disciplinary hearing where you have been required or invited by the Parish Council to attend a disciplinary hearing and when you reasonably request to be accompanied to the hearing.

**4.7** If you make such a request, you will be allowed to have a single companion at the hearing who is either a work colleague, or a trade union official so long as they have been reasonably certified in writing by their union as having experience of training in acting as a companion at disciplinary hearings.

**4.8** Your companion may be permitted to address the disciplinary panel but will not be permitted to answer questions on your behalf.

**4.9** If your companion is not available at the time that the Parish Council has proposed for a disciplinary hearing, you may propose an alternative time for the hearing provided it is a reasonable time and is no further than five working days after the day that the Parish Council had proposed for the disciplinary hearing.

#### **Oral Warning**

**4.10** In the case of minor offences, you will be given a formal oral warning. The nature of the offence and the likely consequences of further offences or a failure to improve will be explained to you. Details of the oral warning will be placed on your personnel file but will be disregarded after a period of six months.

#### **Written Warning**

**4.11** In the case of more serious offences or a repetition of earlier minor offences, you will be given a written warning and will be informed of the likely consequences of further offences. A copy of the written warning will be placed on your personnel file but will be disregarded after a period of twelve months.

## **Final Written Warning**

- 4.12** In the case of a further repetition of earlier offences or in the event that you fail to improve or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, you will be given a final written warning and will be informed that any reoccurrence may lead to your employment being terminated.
- 4.13** Depending on the seriousness of the matter and all the circumstances, any of the above stages may be omitted.
- 4.14** In the case of gross misconduct &/or if the appropriate stages of the formal procedure have been exhausted, your employment will normally be terminated.

## **Appeal**

- 4.15** If you do not agree with the result of any disciplinary decision, you will have the right of appeal provided it is made in writing to the Clerk to the Council within three working days of you being notified. You must set out in full the grounds on which you are appealing the decision, stating whether it is because you disagree with the findings of misconduct or the sanction that was imposed.
- 4.16** On receipt of notice of your appeal, the Parish Council shall be entitled to seek such other submissions, orally or in writing, from you or such other persons as appropriate.
- 4.17** You have the right to a hearing which will be by way of a review of the decision and not a full re-hearing. You have the right to have a companion present at the appeal hearing as you did with the disciplinary hearing.
- 4.18** Where you have been dismissed, the date of your dismissal will stand if the appeal is rejected and the date of the termination of your employment will not be the date that your appeal was rejected.

## **5. Gross Misconduct**

- 5.1** If the Parish Council reasonably forms the view that you are guilty of gross misconduct, you may be summarily dismissed.
- 5.2** The following is a non-exhaustive list of examples of offences which the Parish Council may regard as amounting to gross misconduct:
  - a) Accepting any bribes or gifts which could be construed as bribes.
  - b) Attendance at work while intoxicated or influenced by drugs that have not been prescribed to you by a medical practitioner.
  - c) Being abusive or rude to clients or customers.
  - d) Breach of rules and regulations relating to health & safety matters that may constitute a danger to the health & safety of yourself, your fellow workers or anyone visiting the premises or properties of the Parish Council.
  - e) Bringing the Parish Council into disrepute by conduct whether at work or outside.
  - f) Conviction for any offence that is incompatible with your employment, which may place the Parish Council in disrepute or which causes the Parish Council to lose trust and confidence in you.
  - g) Damaging the Parish Council's property or the property of an employee with deliberate intent.
  - h) Discrimination against, or harassment of, any fellow worker or client or customer on the grounds of sex, race, sexual orientation or disability.
  - i) Dishonesty at work whether or not it will cause loss to the Parish Council.
  - j) Dishonesty outside work that may bring the Parish Council into disrepute or is incompatible with your employment.

- k) Failing to adhere to any statutory or regulatory requirements where such failure is wilful or amounts to gross negligence or incapability.
- l) Failing to correctly fill out your application or any documents relating to your employment which affect your qualifications for a job, your ability to carry out the job, or may affect the Parish Council's trust and confidence in you.
- m) Falsification of any of the Parish Council's documents whether or not they give you a pecuniary advantage or whether it is likely to cause loss to the Parish Council.
- n) Insubordination to your superiors which is incompatible with your position. Insubordination will be regarded as incompatible if it occurs before fellow workers.
- o) Misuse of any Parish Council vehicle. It will be a dismissible offence if you drive a Parish Council vehicle while intoxicated. It may be a dismissible offence if damage is caused to a Parish Council vehicle by reckless or negligent conduct on your part.
- p) Negligent behaviour which may be gross or which may affect the Parish Council's trust and confidence in your ability to carry out your job.
- q) Misuse of any confidential information belonging to the Parish Council or of information which the Parish Council considers may cause the Parish Council harm or bring it into disrepute.
- r) Violent behaviour towards fellow workers or clients or customers. This will include physical and verbal behaviour or conduct or words that may be regarded as intimidating.
- s) Theft or reasonable suspicion of theft or other criminal offence.
- t) Absence from work that is unauthorised.
- u) Receiving a custodial sentence regardless of the length of that sentence.
- v) Inappropriate use of the Parish Council's telephones &/or e-mail system &/or the internet.
- w) Downloading pornographic and other inappropriate material from the internet.

# **POLICIES AND PROCEDURES FOR STAFFING COMMITTEE**

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Adopted by Hallow PC November 2021

## **STAFF APPRAISAL**

What is appraisal? Management is a continuous process. A regular review of an employee's performance is an effective tool. It also allows an employee to give their views to the manager. Performance reviews or appraisal discussions normally set and review objectives which should be "SMART" i.e. S Specific M Measurable A Achievable R Realistic T Time-bound

- a. Relevant councillors and employees should receive training in appraisals.
- b. As a minimum, appraisals are to be held annually. Half-yearly appraisals are also good practice. It may be appropriate to hold more frequent appraisals during the early stages of employment or following disciplinary action.
- c. Prior to the annual appraisal taking place, Staffing Committee members should be aware whether or not the Clerk's employment contract allows for a salary increment to be paid "subject to satisfactory performance".
- d. A written record of the appraisal is to be placed on the employee's personnel file so that the objectives form part of the next appraisal.
- e. An appraisal must include opportunity to agree training and development needs.