

GRIMLEY PARISH COUNCIL - WORCESTERSHIRE

TERMS OF REFERENCE FOR STAFFING COMMITTEE

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- Section 1 – General, including Membership
- Section 2 – Remit of the Staffing Committee
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1. GENERAL

- 1.1 The Staffing Committee is set up as a standing committee to oversee and manage staffing matters for this parish council.
- 1.2 This Committee must always abide with this Council's current Standing Orders and Financial Regulations and any other relevant policies.
- 1.3 The staffing committee will consist of at least three and ideally four councillors appointed by council.
- 1.4 **MEMBERSHIP:** The Chairman and Membership of the Committee is established at the Annual Parish Council Meeting.
- 1.5 The Chair will not be the same person as the Chair of the Council.
- 1.6 If a meeting is absolutely necessary and members of the committee are unavailable, the Clerk, Chair of Staffing Committee and Chair of the Council will together agree and nominate a substitute.
- 1.7 The Committee can only consist of councillors of the parish council.

2. REMIT OF THE STAFFING COMMITTEE

- 2.1 To manage recruitment of the Clerk/RFO, including consideration of applications and interviews.
- 2.2 To act on behalf of the Parish Council, as the line manager of the Parish Clerk/RFO including in respect of performance management, training needs and pay.
- 2.3 To advise Full Council on issues of staff pay and conditions and to make recommendations upon annual salary awards.
- 2.4 To annually review and appraise the performance of employees.
- 2.5 To deal with disputes relating to employees, both grievance and disciplinary, on behalf of the parish council.
- 2.6 To confirm individual contracts of employment and all terms and conditions

2.7 To manage the recruitment of any other members of staff (though the Clerk and not the Committee would be the first line manager of any other staff recruited).

2.8 Working in conjunction with the Clerk, to ensure that the following are prepared and maintained: Employment contracts, employment policies, job descriptions, person specifications, health and safety policies relating to employees, induction programs and training records.

2.9 To ensure the Council complies with all legislative requirements relating to the employment of staff. The committee will be mindful:

- i. of the legal framework for and good practice in employment matters.
- ii. 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.
- iii. of the nationally negotiated model contract and terms and conditions for the employment of the clerk to the council.
- iv. of the CALC model member-officer protocol.
- v. the Parish Clerk of the Council is the first officer and cannot be supervised on a day to day basis and must have a degree of independence to fulfil their duties.
- vi. no individual councillor can instruct the Parish Clerk, not even the Chair of the Parish Council or the Chair of the Staffing Committee. The Parish Clerk is instructed by the cooperative body or its delegated committee.

3. INTERESTS

3.1 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.

3.2 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.

4. DELEGATED POWERS

4.1 The Committee will have delegated powers, to act on behalf of the Parish Council, to deal with all personnel, employment, recruitment issues, and financial matters, except for the following and subject to provisions included in other policies.

4.2 The final choice of appointment of new clerk/RFO or any other staff member must be approved by Full Council.

4.3 The decision to suspend or terminate the contract of any employee must be approved by Full Council.

4.4 Decisions relating to an employee's pay falling outside the agreed budget or about changes to staffing budget provision must be approved by Full Council.

4.5 Policies should be approved by Full Council upon recommendations of the Committee.

4.6 Note that a Council and its Committees cannot delegate any decision to individual councillors or to a Working Party.

5. MEETINGS

5.1 The Committee will meet once per year, and as and when necessary. Agreed dates of meetings should be published in the Parish Council's meeting calendar.

5.2 Meetings are public, but there may be a resolution to exclude the public due to any confidential nature of business.

5.3 The Parish Clerk will issue summons and agendas at least 3 days before each Committee Meeting.

5.4 Minutes where they exist will be approved at the next meeting of the Committee or at the next Full Parish Council meeting, whichever is the sooner.

5.5 Minutes where they exist, will be presented to the next Full Council meeting and any recommendations or decisions that require ratification will be an agenda item of that meeting to obtain Full Council approval.

5.6 Details from confidential items from the agenda will be submitted as a separate confidential report for retention. The minutes of Full Council will only summarise any decisions made.

6. CONFIDENTIALITY

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

7. STAFF ANNUAL LEAVE

7.1 Staff Annual Leave must be taken at times agreed with the Full Council and/or Staffing Committee.

7.2 The annual leave year runs from 1 April to 31 March.

7.3 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

7.4 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.

7.5 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.

7.6 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.

7.7 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.

7.8 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.

7.9 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.

8. PARENTAL LEAVE

8.1 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.

8.2 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.

8.3 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.

9. TIME OFF FOR DEPENDANTS

9.1 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.

9.2 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.

9.3 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.

9.4 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.

10. STAFF SICKNESS ABSENCE

10.1 **Delegating the power to deal with other employees' absence to the clerk**
N/A – no other employees at this time.

10.2 **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).

10.3 **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.

10.4 **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).

10.5 **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.**

11. STAFF APPRAISAL

11.1 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.

11.2 Relevant councillors and employees can receive training in appraisals.

- 11.3 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.
- 11.4 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".
- 11.5 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.
- 11.6 An appraisal must include opportunity to agree training and development needs.

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Requests for this information in other languages/audio/large print will be reasonably considered.



Scan with your
phone to go to our
new parish council
website



Our parish council logo shows the miniature 'gorse type' plant Petty Whin (*Genista anglica*). Found on our local SSSI Monkwood Green Common, it is a plant of acidic heaths and moors which has undergone serious decline over the past century.