

ST CLEER PARISH COUNCIL

Committee Terms of Reference 2019 - 2020

The Council will review and determine the terms of reference for all Committees and Working Parties at the annual meeting of the Council.

Human Resources Committee

Appointment: - The Committee members are appointed at the annual meeting of the Parish Council.

Chairman - The Chairman is elected annually at the first meeting of the Committee following the annual meeting of the Council. The Chairman shall serve in this position until the next annual meeting of the Council unless the Chairman resigns from the position, resigns from the Council or becomes disqualified from being a member of the Council.

Vice Chairman - The Vice-Chairman is elected annually at the first meeting of the Committee following the annual meeting of the Council following the election of the Chairman. The Vice Chairman will serve in this position until the next annual meeting of the Council unless the Vice Chairman resigns from the position, resigns from the Council or becomes disqualified from being a member of the Council.

Other members – Other members will be drawn from the council and may have specific expertise in managing staff and knowledge of legislation in relation to Employment Law. A maximum of 6 may be appointed to this committee

General

The Committee shall comply with all Council's policies, protocols, systems and procedures including the Standing Orders and Financial Regulations and any other statute within legislation.

The Committee will be mindful that no decision can be made by an individual, save where clearly delegated by Council, and scope for this committee are limited to those delegated below and as agreed and Minuted

The Council might consider from time to time delegating specific responsibilities to this Committee (within the scope of the **LGA 1972 s101**) but will exclude any powers that cannot be delegated by the Council e.g. issuing a precept for the rate (**s67 LG & FA 1992**). Additionally, no recurring financial agreement will be entered into without recourse to Council, specifically salary increases or permanent changes to staff contracts.

Any additional delegation of responsibility will be clearly minuted within the Parish Council minutes, these will usually pertain to matters related to HR

Recommendations made by this Committee outside of the scope of these terms of reference serve as motions for decision making by Council.

The delegated authority to this committee includes:

Under the direction, leadership and guidance of the Committee Chairman or in their absence the Vice Chair, The Committee shall be accountable and responsible for the following areas of Council Activity and have delegated authority to the limit of the budget set and agreed by Council to carry out these functions. Where any doubt about the powers to commit finance are raised by the RFO the matter should be referred to full Council for ratification.

Specific Responsibilities for Council approval –

Under the direction, leadership and guidance of the Committee Chairman, shall be accountable and responsible for the following areas of Council Activity

Title	Commentary
RECRUITMENT	<p>The Committee will have delegated responsibility for the selection and recruitment of the Clerk / RFO; bringing a motion to Parish to ratify the appointment</p> <p>The Clerk / RFO will appoint all other staff as agreed by the HR strategy and modified by Parish from time to time</p> <p>The committee will work within the NALC / CALC policies or guidelines with delegated authority.</p> <p>Any amendment or virement to these policies or guidelines will require the full support of Council</p> <p>Staff are appointed to Salary scales and will be offered pay review in line with the relevant LGA agreement. Should the Committee wish to increase the salary point of any individual, as this will have long term financial implications for Parish, this must be ratified at full Parish Council</p> <p>All staff will have 2 references checked and retained on file. Certificates referred to in application and proof of entitlement to work within the UK must also be collected and kept on file; this will be verified as appropriate by no less than 2 subcommittee members.</p> <p>No staff within the Council require DBS as there is no unfettered access to vulnerable adults or children within the current remit of the Parish.</p> <p>Potential Staff that declare a spent conviction will be treated as if this was not in evidence. Staff that declare unspent convictions will be appointed under the delegated authority of the Committee upon the recommendation of the Clerk / RFO; using an appropriate risk assessment, employment will not be denied unless significant just cause is corded.</p>
INDUCTION	<p>The HR committee is entirely responsible for the induction to the Parish of the Clerk / RFO and will appoint a named individual to this task</p> <p>The committee is responsible for ensuring that the Clerk / RFO has provided appropriate induction to any new staff</p>
TRAINING	<p>The Committee will oversee the appropriate policy, training and systems of work for all staff in relation to the work carried out by and for the Council</p> <p>The Committee will recommend to Parish in November annually the budget required to meet at least the minimum training required by the staff group and any additional training that they consider desirable.</p>
DISCIPLINE AND GRIEVANCE	<p>The Council as a whole is the employer of the Clerk / RFO and as a collective effectively operates as the line manager of the post. The Clerk / RFO advises the Parish of their roles, responsibilities and powers or limitations in this respect.</p> <p>The Committee will delegate 2 or 3 members to manage the grievances of the Clerk / RFO, ensuring that the Code of Conduct is used as appropriate for allegations against Councillor behaviour</p>

	<p>The Committee will delegate 2 or 3 members to manage any grievance against the Clerk / RFO</p> <p>Upon receipt of any complaint by the Parish in relation to the performance of the Clerk the Committee will:</p> <ul style="list-style-type: none"> • Appoint 2 or 3 members to assess the complaint and consider whether it is justified. They will have the delegated authority to strike out any vexatious, unlawful or spurious complaint made • Any complaint they consider legitimate they will investigate and use the CALC / NALC guidelines and assistance of CALC as required. Should an insurance claim be likely or possible they will advise the insurers and access Radar as required. Once legal advice is given it must be followed. • They will present their findings to the remainder of the committee (minus 2 people) within the agreed timeframes and a motion from the Committee prepared for a Part 2 agenda item of the Parish • Parish will then agree or not the motion, which the committee will enact – effectively applying sanction or exonerating the Clerk / RFO as appropriate and within the scope of the procedure. • The Clerk / RFO will have a right of appeal to the 2 individuals not involved in the initial motion to Parish.
TERMS AND CONDITIONS	<p>Pay Policy Statement 2019-2020 (Including terms and conditions)</p> <p>Purpose and aim of the policy statement (as appended)</p> <p>This document fulfils the requirement of the Localism Act 2011 that local authorities prepare and publish a pay policy statement for each financial year. The pay policy statement is intended to provide sufficient information about pay policy to enable local taxpayers to reach an informed view about local decisions on all aspects of remuneration for relevant employees. It also sets the context for the numerical information that is published by the Council under Local Government Transparency Code 2015 and by The Accounts and Audit (England) Regulations 2011.</p> <p>Where the Pay Policy Statement varies from an individual’s contract the individual contract will take precedence.</p>
PERFORMANCE MANAGEMENT	<p>The Committee will hold delegated responsibility for the appraisal of the clerk, it will in turn delegate (to no more than 2 members) the duty of conducting at least one (annual) review of the Clerk / RFO. These members will report back to the committee as appropriate and with reference to GDPR. A motion to Parish to approve the appraisal will then be put forward</p> <p>Appraisal ought to be conducted at the end of the civic year; should this not be effected due to external pressure than the members working with the Clerk / RFO over the year will continue in this regard and hand over as soon as possible at the beginning of the civic year.</p> <p>No other staff will be managed, directed or instructed by any Councillor or Committee member in recognition that the Clerk / RFO manages all staff within the Council</p> <p>The Committee will ‘grandparent’ all performance appraisals of staff directly managed by the RFO / Clerk.</p>

STRATEGY	<p>The committee will be responsible for enabling the Clerk / RFO to create a structure within the Parish HR and facilities to meet the needs of the parish</p> <p>Any strategy will at least meet the needs and letter of Employment Law and good practice but will aspire to exceed minimum standards so to be considered an excellent employer.</p> <p>This matter will form the basis of a motion to parish for ratification as a Part 2 item on the agenda</p>
SICKNESS AND ANNUAL LEAVE ARRANGEMENTS	<p>The Chairman or in their absence the Vice Chairman of Council will accept applications for annual leave for the Clerk / RFO and make recommendation under delegated authority to the Committee should a locum be required to enable the smooth running of the council (Managing the absence of the Clerk offers guidance on this matter)</p> <p>The Chairman or in their absence the Vice Chairman of Council will be the single point of contact in cases of RFO / Clerk sickness and will sign any medical certificate received. The content of this will be confidential and filed save the dates it serves.</p>
WELFARE ARRANGEMENTS	<p>Any member of the Committee may be approached by the Clerk / RFO when it is apparent that a welfare matter has emerged.</p> <p>That individual will work with the The Chairman or in their absence the Vice Chairman of Council to resolve the matter as expediently as possible.</p> <p>A spend of up to £500 will be delegated to the The Chairman or in their absence the Vice Chairman of Council should there be a genuine need for spend – this may relate to issues such as special seating or other adaptations to accommodate an individual’s personal needs or responses such as the provision of Counselling following issues related to work. The spend will be noted at Parish as ‘an Exigent HR matter’</p>
RELATIONSHIP BETWEEN THE CLERK / RFO AND THE PARISH CHAIR	<p>It is recognised that the Clerk / RFO and Chair have a ‘special’ relationship which essentially is one of mutual governance and support</p> <p>It is further recognised that the Chair appointed by Council may or may not have the experience to manage this relationship and or have this knowledge base and that conflict is frequently noted and to be expected</p> <p>The Committee will have a role in mitigation in these circumstances and may, as required, quite properly provide a buffer between the two, to the benefit of the smooth working of the Parish</p> <p>The committee will work with employment law and the code of conduct in this matter</p>
AGENDA AND MINUTES	<p>The Agenda will be published as appended and Minutes will reflect common practice with Part 2 items. Being broadly specific and with full regard to data protection</p>

4 HANDLING STAFF MATTERS¹

- a A matter personal to a member of staff that is being considered by a meeting of Council or the Human Resources committee is subject to standing order 12.
- b Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chairman of [HR] Committee or in their absence the Vice Chairman of the [HR] Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the [HR] Committee in accordance with its terms of reference.
- c The chairman of the Human Resources committee or the Vice Chair in their absence, shall upon a resolution conduct a review of the performance and annual appraisal of the work of Parish Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Human Resources committee or the vice chair in their absence in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Human Resources committee
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by The Parish Clerk relates to the chairman or vice-chairman of the Parish or the Human Resources sub-committee, this shall be communicated to another member of the Human Resources committee which shall be reported back and progressed by resolution of the Human Resources committee or, in extremis, the Parish Council.
- f In accordance with standing order 12(a) the council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 19 (f).
- g In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records referred to in standing order 22(f).

¹ The Parish is subject to all laws related to the employment of staff; namely

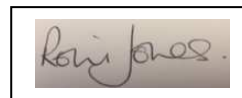
- The Minimum Wage Act 1998
- The Employment Relations Act 1999
- the Employment Act 2002, 2004 and 2008
- the Small Business, Enterprise and Employment Act 2015
- The Equality Act 2010 and

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- The Work and Families Act 2006
 - Working Time Regulations 1998
 - Pensions Act 1995, 2004
 - Immigration (Restrictions on Employment) Order 2007
 - Trade Union and Labour Relations (Consolidation) Act 1992
 - Transfer of Undertakings (Protection of Employment) Regulations 2006
 - Human Rights Act 1998
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EXAMPLE PUBLIC AGENDA

ST CLEER PARISH COUNCIL

NOTICE is hereby given that a meeting of the Employment Committee will be held on Wednesday 9th January 2019 immediately following the Emergency Planning Workshop (Approximately 8.30pm) in the Council Sports Pavilion, Hockings House, St Cleer to which members are summoned to attend.



AGENDA

This matter will deal with Restricted items only and as such Public will only be able to attend for the proposal to close the meeting.

	Apologies for absence	
	Members declarations 1. Disclosable pecuniary interests 2. Non-registrable interests 3. Declarations of gifts 4. Applications for dispensations	
	Motion to Restrict the meeting due to the Agenda	
	HR Matters	

Date of the Next Meetings

St Cleer Parish Council

Pay Policy Statement 2019-2020 (Including terms and conditions)

1. Introduction

This pay policy statement describes the Council's policies that relate to the pay of its workforce, particularly its senior officers and its lowest paid workers. **It was approved by Full Council on 25 September 2019.**

2. Purpose and aim of the policy statement

This document fulfils the requirement of the **Localism Act 2011** that local authorities prepare and publish a pay policy statement for each financial year. The pay policy statement is intended to provide sufficient information about pay policy to enable local taxpayers to reach an informed view about local decisions on all aspects of remuneration for relevant employees. It also sets the context for the numerical information that is published by the Council under **Local Government Transparency Code 2015 and by The Accounts and Audit (England) Regulations 2011.**

3. Policy statement

The Council is committed to transparent, fair and equitable pay and reward arrangements that provide value for money and enable the recruitment and retention of employees with the skills and motivation to deliver high quality services for Cornwall and its communities. The policies that support these objectives are summarised in section 5.

4. Scope

The pay policy statement describes the pay arrangements that apply to the Council's senior and lowest paid employees. The senior employee is the Council's Clerk and Responsible Financial Officer. The Council's lowest paid employees are those whose terms and conditions of employment are established by the National Joint Council for Local Government Services and amended through local collective agreements from time to time. The Council's lowest paid employees aged over 25 receive a salary equivalent to the minimum of spinal column point 4 on the National Association of Local Council's pay structure. The Council will honour the Living Wage Foundation as its pay structure minimum.

5. Policy details

The policies set out below apply to all of the Council's officers.

5.1 Pay structure

The Council's pay structure for the relevant employees consists of 2 job roles with salary point and ranges.

Grades are allocated to roles through a process of job evaluation which establishes the relative value of different roles. Employees are appointed to the minimum of the salary range for the job unless there is a substantial reason for making an exception, for example to secure the appointment of a candidate of the right calibre. The Council uses the NALC and SLCC recommended salary scales. In exceptional circumstances, for example for retention reasons, employees may be awarded accelerated salary progression at the discretion of the Council.

The Council's HR Committee is responsible for, amongst other things, recommending the remuneration of the Clerk. Further details on the responsibilities of HR Committee are set out in its terms of reference which are available on the Council's office. Where an employee is promoted or regraded to a higher grade they should receive an immediate pay increase. The Council has agreed that it will implement the outcome of national pay negotiations on pay and make appropriate adjustments to its pay structure. The Council's pay structure creates the foundation for the relationship between the pay of all the roles within the scope of the pay policy statement.

5.2 Job evaluation

Job evaluation is used to determine the relative value of roles within the Council. Different elements within each role will accrue a number of job evaluation points. The total number of points accrued will determine the relevant grade for each role. **The Council uses the National Association of Local Councils (NALC) Scheme and the NJC Green Book.**

5.3 Market supplements

In exceptional circumstances, the Council may pay a market supplement in addition to the salary for a role where, in the absence of such a payment, it would not be possible to recruit and retain suitable employees. The value of the market supplement takes into account the labour market pay information for similar jobs. Any market supplements are reviewed on an annual basis and are varied or ceased as necessary according to the labour market evidence for the role in question.

5.4 Premium payments

The standard working week for employees within the scope of this policy statement is 37 hours, worked from Monday to Friday. For some employees who are required to work outside the normal working week, a premium payment may be due. The premium payments which may be payable are set out below.

5.4.1 Overtime

Overtime is time worked beyond the standard (37 hours) or contracted working week. Overtime is only paid in circumstances where it is not practicable to grant compensatory time-off in lieu. All paid overtime is subject to authorisation in advance by the Clerk, in relation to the Clerk by the HR committee. Overtime is paid at plain time with the exception of emergency recall to work after 8pm which attracts a 50% plusage + mileage.

5.4.2 Work on public holidays

Work on public holidays is compensated by time-off in lieu.

5.5 Allowances

5.5.1 First aid allowances

Employees appointed *designated First Aider* by the Council are upon qualification, entitled to be awarded an additional SCP point. This will be maintained, provided that the qualification is maintained.

5.5.2 Professional fees

The Council pays the professional fees of employees where the Council's HR Committee determines that membership of a professional body is essential for the continuous professional development of an employee, for the Clerk this is identified as the SLCC and once qualified by the ILCM.

5.6 Business travel and expenses

Where employees are required to travel in the course of their duties they are expected to determine the most appropriate form of transport taking into account the total cost, travel time and carbon emissions. The cheapest form of transport will normally be chosen unless the travel time is unreasonable. If there are two forms of transport with comparable costs, the transport with the lowest carbon emissions must be selected unless the travel time is unreasonable. If public transport is used, the cheapest travelling fare should be chosen, for example a monthly or annual season ticket. It is the Council's policy not to pay for first class travel.

5.6.1 Mileage allowances

Where employees use their own vehicles for business purposes, the following terms established by the National Joint Council for Local Government Services and amended through local collective agreements from time to time will apply. New Contracts may be subject to alternative arrangements.

5.6.2 Subsistence payments

Employees may claim reimbursement of reasonable additional expenditure actually incurred whilst they are away from their normal place of work and unable to follow their usual arrangements. Such claims will normally be paid only in circumstances where employees are required to travel out of Cornwall and incur an overnight stay. Where it is agreed that the journey will be made in a single day, claims for reasonable reimbursement for lunch and an evening meal will be considered. Reimbursement of all claims will only be paid on submission of a receipt for the expenditure incurred. All subsistence must be agreed by the Clerk for Staff, and by Full Council for the Clerk.

5.7 Pensions

The Council's policy is to use the NEST Pension for staff and will contribute 5% or all staff that are within the scheme. This amount may be varied, for example for retention reasons, employees may be awarded an enhanced contribution at the discretion of the Council.

5.8 Salary and pension payments

The Council does not exclude a person in receipt of a pension from another public sector organisation from applying for and being appointed to a job with the Council. The Council's primary concern is to appoint the best person for the job utilising an effective and fair recruitment and selection process. The Council's policy is to disregard any previous public sector retirement income as that is a matter for the relevant public sector pension fund.

5.9 Retirement

5.9.1 Early retirement The Council's policy is to comply with legislation on this matter

5.9.2 Flexible retirement The Council permits flexible retirement as legislation and operational pressures dictate

5.10 Sickness

Employees are entitled to receive an allowance in accordance with the following scale:

During 1st - year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd - year of service	2 months full pay and 2 months half pay.
During 3rd - year of service	4 months full pay and 4 months half pay.
During 4th & 5th - year of service	5 months full pay and 5 months half pay.
After 5 years' service	6 months full pay and 6 months half pay. N.B. For the purposes of calculating "half pay, the rate of pay for the agreed salary month will be used.

6. Pay Multiple

The "pay multiple" is defined as the ratio between the highest paid salary and the median full time equivalent salary of the Council's workforce. The St Cleer ratio in 2019-2020 is 1.3:1. Public sector pay ought not to exceed 20:1

7. Consultation and engagement

The recognised trade unions representing the relevant employees within the scope of this pay policy statement are welcome to be consulted on the statement; but have not been formally approached given the exercise of proportionality.

8. Performance and risk management

In accordance with the requirements of the **Localism Act 2011**, this policy statement will be kept under review and, as a minimum, will be reviewed and updated on at least an annual basis to ensure an accurate pay policy statement is published ahead of each financial year. The annual review will be facilitated and coordinated by the Clerk

9. Communicating the policy

The Council will publish its pay policy statement on its website.

10. Changes to the policy

The Council may, at any time, by resolution of the Council, amend this pay policy statement.

11. Information and training

Further information relating to this pay policy statement can be obtained from the Clerk.

12. Evaluation and review

The pay policy statement will be subject to review by no later than **31/03/2020** and ratification by Parish in the May meeting

Document Control

Adopted from Camelford Town Council with their permission 15.01.2019 and agreed at Parish on 22.5.19 for 2019-19

Reviewed by HR Committee 4.9.19 for 2019-2020

Agenda for Parish 25.9.19

Review by HR Committee 18.3.20 for 2020-2021