



ECCLESFIELD PARISH COUNCIL

Serving the Community since 1894

TO ALL MEMBERS OF THE STAFFING COMMITTEE

29th November 2019

Summons

Dear Sir / Madam,

You are respectfully summoned to attend the next meeting of the Staffing Committee on **Friday 6th December at 2.00pm** at the Council Offices, Mortomley Lane, High Green.

Recording meetings

You can take photographs, film and audio-record the proceedings at Council and Committee meetings whilst they are open to the public. The recording has to be conducted under the direction of the Chair of the meeting and follow our protocol on audio and visual recording and photography at council meetings.

Anyone wishing to record must let the Chair of the meeting know prior to, or at the start of the meeting and the recording must be overt (i.e. clearly visible to anyone at the meeting), but non-disruptive.

If you will be speaking at a meeting, for example to ask a question or present a petition, you will have the right not to be recorded. You will need to tell the Chair of the meeting that you do not want to be recorded.

Yours sincerely

Councillor T Bawden
Proper Officer and Chairman

To: Councillors V Bowden, A Brownrigg, P Brunt, T Grantham and C Levery, T Bawden (ex officio) and J Brownrigg (ex officio)

Council Offices Mortomley Lane SHEFFIELD, S35 3HS

 0114 284 5095 admin@ecclesfield-pc.gov.uk

 www.ecclesfield-pc.gov.uk

STAFFING COMMITTEE
AGENDA
6 December 2019 at 2.00pm

36. **Apologies for Absence**
To receive apologies for absence from members and to consider the reasons for absence.
37. **Press and Public Exclusion**
To identify any items for discussion that may require the exclusion of the press & public.
38. **Declarations of Interest**
To receive any declarations of personal and/or disclosable pecuniary interests from members on items to be discussed at this meeting.
39. **Staffing Committee minutes**
To receive the minutes of the previous Staffing Committee meeting held on the 18th October 2019 for information (Pages 4 to 6 attached)
- 40 **Policies for adoption**

To consider the following policies for recommendation to council
- 40.1 Draft Pensions Policy (Pages 7 to 8 attached)
40.2 Draft Harassment and Bullying Policy (Pages 9 to 12 attached)
40.3 Working from Home Policy (Page 13 attached)
40.4 Flexible Working Policy (Pages 14 to 16 attached)
41. **Confidential Matters**
- 42 **Staff**
- 42.1 To consider making a payment to Archivist for time and travel at £200 a month to support the Archive Project with admin duties and attending meetings until the post is filled. (hours to be confirmed)
- 42.2 Archivist/Community Engagement Post

To consider the draft job description/person specification for the new post and to consider when to advertise for the post. To consider the appointment panel for this post.

42.3 Clerk/RFO Post

To consider the Clerk/RFO vacancy, advertising the post, deadline for submissions for applicants, salary for the post and hours.

43. **Closure and date of next meeting**

To arrange the date for the next Staffing Committee meeting.

Council Offices Mortomley Lane SHEFFIELD, S35 3HS

 0114 284 5095 admin@ecclesfield-pc.gov.uk

 www.ecclesfield-pc.gov.uk

ECCLESFIELD PARISH COUNCIL

Minutes of the Staffing Committee Meeting of Ecclesfield Parish Council held 18 October 2019

Present:

Councillor A Brownrigg (Chair), Councillor T. Bawden, Councillor T. Grantham, Councillor J Brownrigg, Councillor V Bowden and Councillor C Levery

In attendance: K Mann Advisor to Council

26. **Apologies for Absence**

Apologies were received from Cllr P Brunt.

RESOLVED: To approve the apologies from Cllr Brunt.

27. **Press and Public Exclusion**

The committee agreed to move into Confidential Session from item 32.

28. **Declarations of Interest**

None

29. **Staffing Committee minutes**

The committee received the minutes of the previous Staffing Committee meeting held on the 20 September 2019 for information.

RESOLVED: That the minutes from the 20 September 2019 meeting be noted.

30. **Policies to be reviewed**

30.1 To consider the Performance Appraisal Policy

The committee considered the Policy for approval. The Advisor was asked to circulate the appraisal form to all members.

RECOMMENDATION TO COUNCIL: That the Performance Appraisal Policy be adopted.

30.2 To consider the draft Lone Working Policy

The committee provided amendments to the policy as follows:

- An additional paragraph to be added "to ensure the doors are locked and secure whilst working alone and only let people into the building that have appointments, are expected, or are councillors.
- The Clerk should be available to members of the public by appointment at the designated address.

RECOMMENDATION TO COUNCIL: That the Lone Working Policy, subject to amendments being completed, be adopted.

- 30.3 To consider the draft Sickness Policy
The committee provided amendments to the policy as follows:
- Procedure, after line manager, 2nd line to add by telephone and amend the time from 10am to 9am
 - Section 4.2 penultimate paragraph to amend the word of to off

RECOMMENDATION TO COUNCIL: That the Sickness Policy, subject to amendments being completed, be adopted.

The committee agreed to move into Confidential Session.

31. **Confidential Matters**

32. To consider the vacancy of Archivist Post

A discussion took part with regards to replacing the Archivist and funding provided to SOAR for a Community Liaison person.

A letter from the Council to be sent to SOAR requesting an update of what the £4,000 contribution from Council pays for, time allocate to the liaison officer and to provide feedback before the next Council meeting on the 7 November 2019.

It was suggested to employ a Community Liaison Officer to manage and support the Archiving Project and support the High Green Health Network.

The Community Engagement Working Group will discuss the potential new post, Job Description and Person Specification and the information would be provided to Finance & Premises Committee in December 2019.

RESOLVED: That

- i) **a letter be sent to SOAR to ask for information with regard to what the £4,000 pays for and feed back to the Council on 7 November 2019; and**
- ii) **the Community Engagement Working Group meet to discuss the community liaison officer post.**

RECOMMENDATION TO COUNCIL: That Council consider the appointment of a Community Liaison Officer to replace the Archivist.

33. To consider the Agreement in place for the Advisor to Council.

The committee agreed to continue with the appointment of the Advisor to Council until the appointment of the Clerk/RFO is made.

RESOLVED: That the Advisor to Council be appointed until a Clerk/RFO is appointed.

34. **Staff Training**

YLCA have training on the Freedom of Information Act and GDPR in Wakefield on 1 November, to consider approving training for the Admin Officer and Admin

Assistant which will incur overtime and costs for the training and travel expenses.

The committee agreed to have the Proper Officer/Chairman of Council, Admin Officer and Admin Assistant to attend the training with YLCA.

RESOLVED: That the Proper Officer/Chairman, Admin Officer and Admin Assistant be approved to attend the YLCA training and the costs be taken from the Training Budget 2019/20.

35. **Closure and date of next meeting**

To arrange the date for the next Staffing Committee meeting. Friday 6 December 2019 at 2.00pm.

ECCLESFIELD PARISH COUNCIL DRAFT PENSIONS POLICY

The Pensions Act 2008 requires all local councils to enrol “eligible jobholders” automatically into a qualifying pension scheme, to offer “non-eligible jobholders” (workers who are not eligible for automatic enrolment) the choice as to whether to opt into a qualifying scheme and “entitled workers” (workers who are entitled to join a non-contributory pension scheme) to request that the employer facilitates a non- contributory scheme.

Ecclesfield Parish Council employees are invited to join the South Yorkshire Pension Authority (SYPA) Scheme and it is a contributory pension scheme.

If a new employee does not wish to join the SYPA they can ‘opt-out’ of auto enrolment and must inform the Clerk of this intention as soon as possible once they start working for Ecclesfield Parish Council.

In compliance with the above, this policy sets out the details of the pension arrangements for employees Ecclesfield Parish Council:

Employees Contribution = 5.5% (Gross Pay)

Employers Contribution = 25.3% (Gross Pay)

The pension contributions are deducted from the monthly pay (18th Month) and sent to SYPA at the end of the relevant month.

The Employers Pension Contribution percentage has been agreed for a 3 year period. Should the Parish Council wish to amend the contribution then consultation with members of staff must take place before any changes are made. The consultation process would be discussed with the Pension Provider before commencement.

Staff are made aware of the Pensions Policy of the Council.

PENSIONS POLICY POINTS AGREED AT FINANCE COMMITTEE 21 MAY 2009

MINUTE NO.8.

LOCAL GOVERNMENT PENSION SCHEME – DECISION TO BE MADE ON DISCRETIONARY ITEMS

The Committee considered responses on the discretionary policies adopted by other authorities in the area. The following policies were agreed:-

2.1. Early release of retirement benefits between the ages of 50 and 59

At the present time, on the grounds of cost applications for the early release of benefits below the age of 60 will not be accepted where a “strain” cost would arise unless the former employee is either the primary carer of a dependant relative or requires special care themselves.

3.1. Augmentation of benefits for active members

This Parish Council will not exercise its discretion to augment an employee’s membership unless a specific advantage to the authority, in doing so is identified, but reserves the right to consider cases subject to actuarial costs and interests of equity.

4.1. Awarding of additional pension

This Parish Council will not exercise its discretion to award an employee any additional pension, unless a specific advantage to the authority, in doing so, is identified but reserves the right to consider cases subject to actuarial costs and interests of equity.

5.1 Shared cost AVC Scheme

In the current financial climate, a shared cost AVC arrangement will not be introduced.

6.1. Late elections for widower’s cover

On the grounds of equality, this Council agrees to accept late elections from its female employees who, on 31 March 1998, were married to count their membership between 1 April 1972 and 5 April 1998 towards their widower’s pension. Administratively, elections will be deemed to have been received from eligible employees unless a specific notice to the contrary is received.

7.1. Flexible Retirement

Approval of any application for either full or partial flexible retirement will only be considered on a cost neutral basis and for the avoidance of any doubt; the Parish Council will neither waive any actuarial reduction that would otherwise apply to the retirement benefits, nor accept cases that would result in pension fund “strain” costs being incurred.

ECCLESFIELD PARISH COUNCIL

Dignity at Work/Bullying and Harassment

1. PURPOSE AND SCORE

- 1.1 Statement: In support of our value to respect others Ecclesfield Parish Council will not tolerate bullying harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Grievance and Disciplinary handling.

The council will issue this policy to all employees as part of their Welcome Pack. The council may also wish to share this policy with contractors, visitors and members of the public.

1.2 Definitions

Bullying "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress".

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

These definitions are derived from ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others turnover, damage to the council's reputation and ultimately, Employment Tribunal or other court cases and payment of unlimited compensation.

- 1.3 Examples of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent working by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including email, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.
- 1.4 Penalties: Bullying and harassment are considered examples of serious misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council for

employees or through referral to the Principle Authority Monitoring Officer as a contravention of the Member's Code of Conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer if such a matter arises.

- 1.5 The Legal Position: Councils have duty of care towards all their workers and liability under common law arising out of the Employment Right Act 1996 and the Health and Safety at Work Act 1974. Under the following laws bullying or harassment may be considered unlawful discrimination; Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sex Discrimination) 2005, Employment Equality (Age) Regulations 2006. In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. In addition, a harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal for sexual, racial, disability or age discrimination.

2. PROCESS FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

- 2.1 Informal approach – Anyone; employee, contractor, member or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the; unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

2.2 Formal approach

- 2.2.1 Employees: Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Staffing Committee or another the Chairman of Council if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion with the Councillor as this will enable the formal Grievance Procedure to be invoked.

2.2.2 Others

Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with a councillor, where possible, or the Monitoring Officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should direct the member of the public to use the council's official Complaints Procedure.

- 2.2.3 Grievance – Employees only – a meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting.

A full investigation of the complaint will be held by an officer as appointed by the Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. (Request advice from YLCA in the first instance) The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved. It may be decided that mediation is required and the council should contact NALC, an employer's body or ACAS to this effect or the council may offer counselling. The employee will have a right of appeal as established by the Employment Act 2002. At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the complainant. The council will commit not to victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

- 2.2.4 Disciplinary Action – Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an employee found to have been bullying/harassing others this will follow the council's Disciplinary Procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct.

For members who the council reasonably believe have been bullying or harassing another person(s) whilst undertaking council activities the action taken must be reasonable and in some cases counselling or training in appropriate skill areas e.g. interpersonal communication, assertiveness, chairmanship etc., may be more appropriate than a penalty. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the council and representation on any outside bodies, a referral to the Standards Board (or equivalent) by the council and/or the aggrieved victim. There may also be a referral to the Police under the Protection from Harassment Act 1997, in the most extreme cases. This list is not exhaustive.

- 2.2.5 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure and/or a referral to the Monitoring officer (member) or Chairman of Council (employee)

3. RESPONSIBILITIES

All parties to the council have a responsibility to ensure their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop.

The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.

A review of the policy shall be undertaken each year (or as appropriate) and once reviewed any necessary amendments will be undertaken by the Clerk and reported to the full council for approval.

The council will undertake to ensure that its members and workers and trained in the processes required by this policy as deemed appropriate.

4. USEFUL CONTACTS

ACAS www.acas.org.uk Tel: 0845 7474747

YLCA admin@yorkshirelca.org.uk Tel 01904 436622

Ecclesfield Parish Council Work from Home Policy

Policy brief & purpose

We designed our **work from home policy** to make sure that working from home is beneficial to our employees and company.

Scope

Ecclesfield Parish Council work from home policy applies to the Clerk/RFO who may on occasion prefer working from home. A laptop and access to the shared drive would be made available to the Clerk/RFO whilst working from home.

As the post is part-time the Clerk/RFO may work from home on certain days as well as working at the office when required.

Work from home arrangements can be occasional, temporary or permanent.

Reasons for working from home may be determined by the weather, travelling a distance to work at the office or other reasons.

Any data whilst working from home must be protected from cyber-attacks and the parish Council's laptop must be used in line with the Parish Council's IT Policy. Data Protection and GDPR must be applied whilst working from home.

The Staffing Committee would consider the request to work from home and ensure the Clerk/RFO has the equipment necessary to complete working from home. The Chair of the Staffing Committee would update Council accordingly.

The Clerk/RFO would have within their contract details of the working from home arrangements and the contract would be agreed and signed by the Clerk/RFO and Chairman of the Parish Council.

Ecclesfield Parish Council

DRAFT

Flexible Working Policy

Introduction

This policy aims to encourage staff to consider flexible working arrangements. The Parish Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the Parish Council wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The Parish Council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Parish Council and the employee can be met.

What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be the typical arrangements that employees will request but the Parish Council recognises that there may be alternatives or a combination of options which are suitable to both the Parish Council and the employee:

- Flexitime
- Home-working
- Overtime

Types of flexible working

- **Flexitime** allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours during the accounting period of a month. Their hours of attendance will be recorded and added up at the end of each accounting period. An employee can carry over an excess of up to **4** hours or a deficit of up to **4** hours from one accounting period to another. A deficit of hours should be made up in the following accounting period. Excess hours may be used to either reduce attendance outside of core hours or, take additional leave (flexi-leave), subject to a maximum of 2 full days (pro-rata for part time staff) in any accounting period. Additional leave should be requested and agreed with the Clerk/RFO in the same way as annual leave.
- **Home-working** is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The Parish Council can consider home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement, in line with the Working from Home Policy.
- **Overtime** is when hours are worked in addition to their usual hours. Overtime can be agreed where the Parish Council would benefit from an employee working more hours. This is voluntary and an employee can refuse overtime if

they wish. Overtime can be paid or time off in lieu can be taken with the approval of the Clerk/RFO. Requests for payment would be made to the Staffing Committee.

- entitlement to annual leave)

The needs of the Parish Council

The Parish Council is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed the Parish Council will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the availability of staff resources
- the workload of the role
- health and safety issues

Eligibility

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. However the Parish Council has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service.

Submitting a flexible working request

All employees are entitled to submit a flexible working request.

All requests must be made to the Clerk/RFO, verbal or in writing, and the Clerk/RFO will submit it to the Staffing Committee for approval.

Responding to a flexible working request

The Staffing Committee will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse affects, to the employee and to the Parish Council in implementing the flexible working arrangements.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the Staffing Committee's decision as soon as possible after the meeting has been held to discuss the matter.

Complaints and further information

The Parish Council is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible process, they should raise their concerns informally with the Clerk/RFO.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the organisation's grievance procedure.

For further information an employee should refer to the documents listed below:

Law relating to this document:

Employment Rights Act 1996
Equality Act 2010
Flexible Working Regulations 2014