

MINUTES of the Staffing Committee of Melksham Without Parish Council held on Monday 26th June 2023 at Melksham Without Parish Council Offices, Melksham Community Campus (First Floor), Market Place, Melksham, SN12 6ES at 8.35pm

Present: Councillors John Glover (Chair of Council), David Pafford (Vice Chair of Council), Alan Baines, Robert Shea-Simonds, and Shona Holt.

Officers: Teresa Strange (Clerk), Marianne Rossi (Finance & Amenities Officer)

Housekeeping: Councillor Baines as outgoing Chair welcomed everyone to the meeting.

88/23 Apologies: Councillor Patacchiola JP tendered his apologies due to work commitments, this reason for absence was accepted.

Councillor Hoyle was not present at the meeting.

89/23 Chairman & Vice Chair of Staffing Committee for 2023/24:

a) Election of Chair of Staffing Committee for 2023/24:

Resolved: That Councillor Baines be Chair of the Staffing Committee for 2023/24.

b) Election of Vice-Chair of Staffing Committee for 2023/24:

Resolved: That Councillor Shea-Simonds be Vice- Chair of the Staffing Committee for 2023/24.

90/23 Declarations of Interest

The Clerk and Finance & Amenities Officer declared an interest in all staffing matters related to them as staff members. The Finance & Amenities officer will leave the room as appropriate when the meeting goes into closed session.

91/23 Items to be held in Closed Session due to confidential nature:

Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business (Agenda items 10, 13, 14 & 15) as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted

Resolved: Agenda items 10, 13, 14 & 15 to be held in closed session for reason 3d (a) engagement, terms of service, conduct and dismissal of employees.

92/23 Public Participation

There were no members of the public present.

93/23 Good Councillor Guide to employment:

Members noted the 'Good Councillor's Guide to Employment.' The Clerk clarified that this was not the NJC¹ "Green Book" but a guide produced by NALC (the National Association of Local Councils), which she felt was useful for members.

94/23 To note guide to DBS checks and agree what check is appropriate to be undertaken on parish council staff bearing in mind the eligibility criteria set out by law

It was noted that the council had previously recommended that all staff undertake an enhanced DBS check and a List 99 check. This was because it had been identified that all employees of the council came into contact with either children or vulnerable adults in their roles. Unfortunately, when officers tried to undertake this check on the Caretaker, they were advised by Wiltshire Council that the role needed to meet a criterion in law. Following investigations by officers, it was discovered that no staff member qualified for an enhanced check because no job-related activities met the eligible criteria set out in legislation. As a result, this means that the only DBS check that can be conducted on council employees is the basic check. This change would need to be amended in the DBS policy, which was the next item to be discussed on the agenda.

It was noted that the council had previously wished to sign up all of their employees to the DBS update service. Although not at the meeting, Councillor Patacchiola had sent through prior comments on this item and advised that the council, as an employer, was not able to sign the employee up for the service. It would need to be the employees themselves at a cost of £13 per month, and suggested that if the council wished to implement this, they could reimburse the cost to the employees. Members considered this but felt that it was not necessary to do so as the council could renew staff DBS checks when they felt it was necessary and understood that this option was not available for basic DBS checks.

Recommendation: The council undertake a basic DBS check on their employees and do not sign up to the DBS update service.

95/23 Policies:

a) DBS Policy

Following the discussion earlier on in the agenda, the council was unable to carry out enhanced DBS checks on their employees, so this change had been reflected in the policy. The Clerk queried how often members felt employees' DBS checks needed to be renewed, as currently the policy detailed that the council would

¹ National Joint Council for Local Government Services National Agreement on Pay and Condition of Services (known as the "Green Book")

validate all DBS checks on an annual basis by using the updated service. As discussed under agenda item 8, the committee are unable to use the DBS update service and felt that it was more than adequate to renew the DBS for all staff members every three years.

The Clerk highlighted that under point 6 in the policy, it referred to the council having a written policy on the recruitment of ex-offenders. She explained that this wasn't clear as it implied that the council had a separate policy, which was not the case as this subject formed part of the DBS policy. Members agreed that this clause needed to be made clearer to reflect the fact that the recruitment of ex-offenders was included in this policy.

Recommendation: The council re-adopt the DBS policy with the amendments discussed above.

b) Habitual & Vexatious Complainants Policy

The Clerk drew members' attention to clause 2c, which related to methods of contact with the complainant. The clause stated that the council should 'decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained.' She explained that this included fax as a method of contact, which the council no longer did, so this would need to be taken out. Councillor Holt queried whether social media needed to be included under this clause, as this was a form of communication that the council could be contacted on. It was also noted that the council had an out-of-hours mobile phone and, therefore, could be contacted by text, so this should be added to the policy.

Members discussed this clause in further detail and felt that the wording wasn't very clear. It was agreed that it needed to be amended so that it clearly set out the council's position relating to a complainant repeatedly contacting the council.

It was also queried who would make the decision with regards to deciding what form of contact needed to be maintained. The Clerk advised that as the council met on a regular basis, she would bring this issue to the council's attention. It was felt that the Chair of the council and Chair of the staffing committee should be made aware of any developing situation that occurs so that a decision on how to move forward can be jointly agreed upon. It was felt that this would need to be added to the policy as a separate clause.

Recommendation: Officers to make the wording clear on this policy under schedule C clause 2 of the document, as discussed above. A new clause should be added to the policy to identify who makes the decision on the form of communication the council will use to communicate with the complainant and bring this back to the full council for approval.

c) Disciplinary Policy

The Clerk advised that this policy was the current NALC (National Association of Local Councils) standard template and confirmed that there had been no changes since the council had adopted the policy. Councillor Glover queried what the

difference was between the terms 'negligence' and 'insubordination' and 'gross negligence' and 'gross insubordination'. He explained that the difference between 'misconduct' and gross misconduct had been defined with examples in the policy, but this hadn't been defined for negligence or insubordination. He felt that this needed to be made clear in the policy as it is open to interpretation on what constituted as 'gross'. Members agreed that NALC should be contacted for clarification on this.

Recommendation: The Clerk contact NALC for clarification on what constitutes as 'gross negligence' and 'gross insubordination' so that this can be clearly defined in the policy.

d) Equality and Diversity Policy

The Equality and Diversity Policy is a standard template policy from NALC, and no alterations have been made since the council last adopted it. The Clerk drew members' attention to the training section of the policy, as the council hasn't provided equal opportunity training to those members who were likely to be involved in recruitment. She explained that there may be an online training course that she could take; however, she was not the only person who was involved in the recruitment of staff. Councillor Pafford suggested that when the council is at the time of recruitment, those members who are involved in the selection process should undertake the awareness session so it is fresh in their minds at the time. He felt that there would be no benefit to the staffing committee undertaking this training now, as it could be some time before the council needed to undertake the recruitment process. Members agreed with this way forward and felt that this training should be undertaken as and when necessary.

Recommendation: The council re-adopt the Equality and Diversity Policy with the inclusion of equal opportunity training being undertaken at the time of recruitment for those members involved.

e) Health & Safety Policy

The Clerk advised that she had updated the policy in line with the council's actual procedures. She highlighted that the policy stated that health and safety should be a permanent item on the staffing agenda, but this is currently not being done. She explained that any immediate issues regarding health and safety were reported at the next appropriate meeting, as the staffing committee was not held very often. It was felt that health and safety should be a standard item on the staffing committee agenda even if there were no issues to report, and an addition should be added to the policy to state that any urgent matters should be reported to the next appropriate meeting.

It was noted that there was an old fire safety emergency plan at the end of this policy that would need to be replaced with the current plan for the campus. The Clerk advised that officers needed to be aware of what the fire evacuation plan was when holding a meeting at other venues, so this should be included in the policy.

Members were happy with the amendments made.

Recommendation: The council re-adopt the Health and Safety Policy with the amendments made as discussed above.

f) Learning and Development Policy

Members reviewed the learning and development policy and felt that no changes were required to be made to this policy.

Recommendation: The council re-adopt the learning and development policy.

g) Safeguarding Policy

It was noted that the council did not have a safeguarding policy in place; however, at the annual council meeting, it was resolved that one should be implemented. The Clerk had investigated as to whether the council's professional bodies had a template model for this, and it didn't appear that there was one available. She had asked on the Clerks Facebook forum page whether any councils had a safeguarding policy and had obtained an example policy from there. CAWS (Community Action Whitley and Shaw) had also sent their policy, as they had to provide it when they applied for grants. She had also asked AI (artificial intelligence) to produce a policy and included it in the agenda packs for members to review. Councillor Patacchiola had sent in his thoughts on the policies prior to the meeting, stating that he felt the policy produced by AI was the most relevant policy to the council.

It was noted that the policy from Hedge End Town Council was a good policy; however, it covered other activities such as youth clubs, which the council didn't do. Members felt that the council needed a simple policy that could be developed over time, and the AI policy was a good starting point as it included all of the necessary information for this council. The Clerk suggested that members should appoint a safeguarding officer in line with the suggested policy, with members agreeing that the Clerk was the most appropriate person for this role.

Recommendation: The council adopt the safeguarding policy as discussed above and appoint the Clerk as the safeguarding officer for the parish council.

96/23 To approve standard model for Staff contracts:

Councillor Baines explained that it had been previously acknowledged that the staff contracts needed to be updated as each one was slightly different. It was noted that the council currently follows the National Joint Council Green Book (NJC)² as they detail and regularly update employee working conditions and pay however that was not documented anywhere recently. The Clerk had provided members with the NALC/SLCC 2011 model contract and guidance and explained that she was aware that the council professional bodies were currently negotiating a new model. She contacted the SLCC (Society of Local Council Clerks) and NALC to ask when the new model would be available, and the SLCC responded to say that they were no

² National Joint Council for Local Government Services National Agreement on Pay and Condition of Services (known as the "Green Book")

further forward with agreeing it and advised that the council used the 2011 model as it had been updated with the latest legislation.

The Clerk had gone through everyone's contracts with the guidance from NALC to see whether everyone's contract met the basic requirements. She reported that the conclusion from this exercise was that the council was not clear enough on following the NJC Green Book. She went on to explain that some employees had reference to it included under staff sickness but not for pay, for example, and all contracts needed to be made clearer to clearly state that they come under the remit of the NJC Green Book for all sorts of policies covering maternity, adoption pay etc.

It was noted that the Finance & Amenities Officer's contract had an end date, as this was her contract when she was employed as an apprentice. The Clerk advised that she would have had letters detailing her salary and her new role at the council, but she would need a new contract issued. Likewise, the Clerk had a new contract issued to her when she became Clerk to the Council; however, the start date detailed on the contract is the date of when she became Clerk and not when she was actually employed by the council.

Members reviewed the standard model contract and acknowledged that there were some clauses that may have implications for the council and employees, so they needed to be carefully considered. It was felt that a small working group needed to be put together to go through the model contract and look at what the implications would be of any changes made to staff contracts.

Recommendation: A small working party is formed to look at refreshing the staff contracts, to consist of Councillor Pafford, Councillor Baines, and the Clerk.

97/23 To approve job descriptions following amendments made after staff appraisals (Nov 2022):

The Clerk explained that she had brought the staff job descriptions back to this committee as there were some changes that had been made following staff appraisals in November 2022. Members looked at the amendments made to each job description one by one and were as follows:

Allotment Warden: No changes had been made to the Allotment Wardens job description.

Recommendation 1: The council approve the Allotment Warden's job description.

Parish Caretaker: The Clerk explained that Id Verde was undertaking the quarterly written play area inspections and queried with members whether they were happy that this was taken out of the Caretaker's job description as he no longer needed to undertake this task. Members confirmed that they were happy for this to be taken out of the job description. It was noted that all other amendments/ additions reflected what the Caretaker actually did, which members were happy with.

Recommendation 2: The council approve the amended Caretaker job description with the removal of the quarterly inspections for play areas as he no longer undertook this task.

9.45pm the Finance & Amenities Officer left the meeting.

Finance & Amenities Officer: It was noted that all amendments/ additions reflected what the Officer actually did, in particular the addition of the maintenance and monitoring of the defibrillators; which members were happy with.

Recommendation 3: The council approve the amended Finance & Amenities Officer job description.

Parish Officer: It was noted that amendments/additions reflected what the Officer actually did, in particular the addition of the SID (Speed Indicator Device) scheme; which members were happy with.

Recommendation 4: The council approve the amended Parish Officer job description.

Recommendation 5: The Clerk to discuss with the two officers the movement of the Community Resilience/Emergency Planning work from the Parish Officer to the Finance & Amenities Officer and update the Job Descriptions accordingly.

Clerk & Responsible Financial Officer: It was noted that amendments/additions reflected what the Clerk actually did, in particular more details of the Neighbourhood Plan work and the appointment of as the Council's Safeguarding Officer; which members were happy with.

Recommendation 6: The council approve the amended Clerk job description.

98/23 To note latest update on pay increase negotiations (nationally)

The National Employers have made a full and final offer in response to the pay claim received from the NJC Trade Unions, with a flat amount of £1,925 (as per the current year) for scale points under SCP43, and 3.8% for those on SCP44 and above. The National Employers are also seeking "without prejudice" discussions with the NJC Unions on how to restructure the pay spine, bearing in mind the current and future increases to the National Living Wage. All other aspects of the unions claim – annual leave, a reduction of the working week etc have been declined.

99/23 To consider any requests for staff training and to note current training log

The training log for both staff and councillors was noted.

Recommendation: To approve the list of staff training requests at a total of £345 excluding VAT, from the Staff Training budget of £200 with the remainder to come from the Staffing Contingency Reserve.

Allotment Management: Site Facilities and Health & Safety	SLCC Webinar	6 th July	£30
Allotment Management: Tenancy Agreements and Policies	SLCC Webinar	Previously run, none available to book at present	£30
Managing Anxiety	SLCC Webinar	Previously run, none available to book at present	£30

Creating a Strategic Vision for Shaping the Future	SLCC Webinar	7 th September	£30
People Management	SLCC Webinar	Next time run – not available for July option	£60
Practical Compliance for CCTV by Parish Councils	SLCC Webinar	20 th July	£30
Finance Summit	SLCC Virtual Event	13 th September	£60
How to use ChatGBT: Use AI (Artificial Intelligence) to do Council Tasks Faster	SLCC Webinar	3 rd October	£15
Agendas and Minutes	SLCC Webinar	2 nd & 9 th August	£60
ACT Action Counters Terrorism	Protect UK E-learning	Own Timescale SLCC advise Clerks to undertake before “Martyn’s Law” passed	Free
		TOTAL	£345

Not to attend the Planning Summit on 5th July as the speakers cover the changes to the NPPF (National Planning Policy Framework) which are still not confirmed by the Government yet but look to see if there is training in the future.

100/23 To note staff additional hours for 2022/23 and Q1 2023/24 and consider workload levels.

Members and the Clerk discussed the current workload levels, and the impact of joint projects such as the Age UK project worker and in particular the Neighbourhood Plan, on some parish council projects and the Clerk’s wellbeing.

Recommendation: The Chair and Vice Chair to discuss joint working with the Town Mayor.

101/23 To note the Finance & Amenities Officer has passed her FILCA (Financial Introduction to Local Council Administration) qualification and consider any scale increment as a result.

Members noted the increased responsibility that the Officer was taking in undertaking more finance aspects, such as preparing all the information for the internal and external audit, and running the amenities.

Recommendation: To award a scale point increase to the Finance & Amenities Officer, to reflect the increased responsibility and the qualification obtained.

Meeting closed at 22.13pm

Signed.....
Chairman, Monday 24th July 2023