



Astley Village Parish Council

Agenda

To: Members of Astley Village Parish Council Personnel Committee.

YOU ARE HEREBY REQUESTED to attend a meeting of the Personnel Committee to be held on **Wednesday 23 November 2022** at 7pm in the Community Centre at which the following business will be transacted.

Agenda

1. Apologies for Absence

To receive members' apologies.

2. Declarations of Interest

Members and Officers are invited to declare any interests they may have in any of the items included on the agenda for this meeting in accordance with the requirements of the relevant authorities (Disclosable Pecuniary Interests Regulations 2012 (SI 2012/1464)).

3. Minutes

To approve as a correct record and sign the minutes of the meeting of the Personnel Committee held on 17 November 2021. (Enclosed).

4. Exclusion of the Press and Public

To consider the Press and public for any item on the Agenda due to the confidential nature to be discussed pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960.

5. Contract of Employment & Statement of Particulars

To consider a report of the Parish Clerk & Responsible Financial Officer (Enclosed)

6. Review of HR Policies

- i. **Bullying and Harassment Policy** (Enclosed)
- ii. **Equality and Diversity Policy** (Enclosed)

7. Date of Next Meeting.

To agree the date of the next meeting (November 2023)

The Personnel Committee Terms of Reference state:

“Frequency of Meetings

The Personnel Committee will meet at least one a year (usually in October/November).”

Members

Councillor Chris Sheldon (Chair)

Councillor Keith Ashton

Councillor Gillian Sharples

Councillor John McAndrew - Vice Chair (Ex officio)

Craig Ainsworth
Clerk to the Parish Council
5 Clarendon Gardens
Bromley Cross
BL7 9GW



2 November 2022



Astley Village Parish Council

Personnel Committee

17 November 2021 at 7pm

Present

Councillor Chris Sheldon (Chair) (in the Chair); Councillors Keith Ashton, John McAndrew and Gillian Sharples.

1. Apologies for Absence

None.

2. Declarations of Interest

Councillors and officers were invited to declare any interests they had in any of the items on the agenda for the meeting.

Mr C Ainsworth (Parish Clerk & Responsible Financial Officer) declared an interest in item 5 'Contract of Employment & Statement of Particulars' as the report concerned himself.

3. Minutes

RESOLVED - That the minutes of the meeting of the Personnel Committee held on 7 July 2021 (copies of which had been circulated) be approved as a correct record and signed by the Chair.

4. Exclusion of the Press and Public

RESOLVED – That the Press and public be excluded from the meeting during consideration of item 5 “Contract of Employment & Statement of Particulars” (Minute 5) due to the confidential nature to be discussed pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960.

5. Contract of Employment & Statement of Particulars

The Parish Clerk and Responsible Financial Officer submitted a report (copies of which had been circulated) inviting the Committee to review the Contract of Employment & Statement of Particulars for all employees of the Parish Council. The report also included an update on Local Government Pay Claim 2021/22 and that the Government had announced that employees over the age of 23 would receive £9.50 an hour following changes to the National Living Wage which would come into effect from April 2022.

The Parish Clerk reported that Standing Order 14 required that “in every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees” and this had been delegated to this Committee.

In addition, within the Terms of Reference of the Personnel Committee, “the Chair should undertake an annual appraisal for the Parish Clerk and the Clerk will undertake an annual appraisal for the Village Caretaker and any other staff employed by the Parish Council. The Personnel Committee will receive a report outlining the outcome of the annual appraisals undertaken. The Personnel Committee will consider any issues raised.”

RESOLVED – (1) That the track changes to the Contract of Employment & Statement of Particulars for the Parish Clerk and Responsible Financial Officer and Village Caretaker suggested by the Parish Clerk be approved subject to including within the Contract of Employment & Statement of Particulars for the Village Caretaker a summary of duties.

(2) That the update in relation to Local Government Pay Claim 2021/22 and National Living Wage be noted and the Parish Council be recommended to increase the Employee Costs Budget (01-6) from £6,000 to £6,500 for 2022/23 to cover the increase in salary costs, training etc.

(3) That the Parish Clerk be requested to discuss with The Brothers of Charity a mechanism to undertake an annual appraisal for the Village Caretaker.

(4) That the Chair of the Personnel Committee be requested to undertake the annual appraisal for the Parish Clerk on 23 November 2021.

6. Schedule of HR Policies

The Parish Clerk reminded the Committee that at the last meeting it was agreed that the Parish Clerk be requested to prepare a schedule of HR policies including a review date every five years. The Committee reviewed the schedule (copies of which had been circulated).

RESOLVED – That the policies/documents be reviewed as follows:

Doc No.	Policy or Document	Created / Reviewed	Meeting/ Review
15	Bullying and Harassment Policy	Reviewed 19/01/21	November 22
16	Equal Opportunities Policy	Reviewed 19/01/21	November 22
17	Health and Safety Policy	Reviewed 19/01/21	November 23
18	Grievance Procedure	Reviewed 19/01/21	November 23
19	Disciplinary Procedure	Reviewed 19/01/21	November 23
20	Councillor/Employee Relations	Reviewed 19/01/21	November 24
21	Training Policy	Reviewed 19/01/21	November 24
23	Terms of Reference for Personnel Committee*	Reviewed 5/05/21	Annually at the Annual Parish Council Meeting in May
24	Sickness Absence Policy/Procedure	Reviewed 19/01/21	November 25
25	Clerk Expense/Reimbursement Policy	Approved 02/09/20	November 25

	Contract of Employment & Statement of Particulars of Employees*	At time of appointment	Annually at the November meeting of the Personnel Committee
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* Requires annual review

7. Date of Next Meeting

RESOLVED – That the next meeting of the Personnel Committee be held on Wednesday 16 November 2022 at 7pm at the Community Centre.

The meeting concluded at 8pm.

Chair



Astley Village Parish Council

Title	Review of the Pay and Conditions of Service of Existing Employees					
Report of	Parish Clerk and Responsible Financial Officer					
Date	23 November 2022					
Type of Paper	Decision	X	Discussion		Information	

Purpose of Report

To review the Pay and Conditions of Service of Existing Employees.

Key Issues

The Personnel Committee Terms of Reference state:

“Review of the Pay and Conditions of Service of Existing Employees

Standing Order 14 requires that “in every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees.”

Local Government Pay Award 2022/23

The pay increase for 2022/23 has been agreed.

The pay offer was a flat rate payment of £1,925 on each scale point with effect from 1 April 2022.

In addition, the National Joint Council (NJC) has agreed that from 1 April 2023, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement.

The National Agreement Green book will, with effect from 1 April 2023, be amended to read as follows:

7.2 Annual Leave

With effect from 1 April 2023, the minimum paid annual leave entitlement is twenty-three days with a further three days after five years of service.

Appendix A sets out the new pay rates. This includes the hourly rate, as per the agreement with NALC, for the annual salary divided by 52 divided by 37.

Employees are entitled to backpay from 1 April 2022

National Living Wage

Anybody aged 23 or over now receives the National Living Wage under a system launched from 1 April 2021 (previously known as the 'National Minimum Wage').

Currently all employees over the age of 23 receive £9.50 an hour which came into effect from April 2022. The Government to date have not announced any increase from April 2023.

Cost Implications

Parish Clerk

The Parish Clerk is contracted to work 30 hours a month (360 hours per year)

An increase from £12.95 to £13.96 per hour (£1.01) = an increase of £363.60 per annum (£30.30 a month)

£13.96 x 360 360 hours = £5,025.60 (£418.80 a month)

Village Caretaker

The Village Caretaker is contracted to work two hours per week (104 hours per year)

£9.50 x 104 hours = £988

The Annual Budget for Employee Costs (Salary, Training etc.) for 2022/23 was £6,500 which can accommodate the increased salary cost of £6013.60

“Annual Appraisals

The Chair will undertake an annual appraisal for the Parish Clerk and the Clerk will undertake an annual appraisal for the Village Caretaker and any other staff employed by the Parish Council. The Personnel Committee will receive a report outlining the outcome of the annual appraisals undertaken. The Personnel Committee will consider any issues raised.”

Annual appraisals have not taken place to date due to the Covid-19 pandemic.

Action required by the Personnel Committee

1. To review the Contract of Employment and Statement of Particulars for all employees of the Parish Council attached to the report.
2. To note the likely, pay awards for the Parish Clerk and the budget position.

APPENDIX A

Scale point	Current pay Per annum	Pay per hour	Rate from per annum from 1/4/22	Rate per hour from 1/4/22
5	£19,650	£10.21	£21,575	£11.22
6	£20,043	£10.42	£21,968	£11.42
7	£20,444	£10.63	£22,369	£11.63
8	£20,852	£10.84	£22,777	£11.84
9	£21,269	£11.05	£23,194	£12.06
10	£21,695	£11.28	£23,620	£12.28
11	£22,129	£11.50	£24,054	£12.51
12	£22,571	£11.73	£24,496	£12.73
13	£23,023	£11.97	£24,948	£12.97
14	£23,484	£12.21	£25,409	£13.21
15	£23,953	£12.45	£25,878	£13.45
16	£24,432	£12.70	£26,357	£13.70
17	£24,920	£12.95	£26,845	£13.96
18	£25,419	£13.21	£27,344	£14.21
19	£25,927	£13.48	£27,852	£14.48
20	£26,446	£13.75	£28,371	£14.75
21	£26,975	£14.02	£28,900	£15.02
22	£27,514	£14.30	£29,439	£15.30
23	£28,224	£14.67	£30,149	£15.67
24	£29,174	£15.16	£31,099	£16.16
25	£30,095	£15.64	£32,020	£16.64
26	£30,984	£16.10	£32,909	£17.11
27	£31,895	£16.58	£33,820	£17.58
28	£32,798	£17.05	£34,723	£18.05
29	£33,486	£17.40	£35,411	£18.41
30	£34,373	£17.87	£36,298	£18.87
31	£35,336	£18.37	£37,261	£19.37
32	£36,371	£18.90	£38,296	£19.91
33	£37,568	£19.53	£39,493	£20.53
34	£38,553	£20.04	£40,478	£21.04
35	£39,571	£20.57	£41,496	£21.57
36	£40,578	£21.09	£42,503	£22.09
37	£41,591	£21.62	£43,516	£22.62
38	£42,614	£22.15	£44,539	£23.15
39	£43,570	£22.65	£45,495	£23.65
40	£44,624	£23.19	£46,549	£24.19
41	£45,648	£23.73	£47,573	£24.73
42	£46,662	£24.25	£48,587	£25.25
43	£47,665	£24.77	£49,590	£25.77
44	£48,857	£25.39	£50,782	£26.39
45	£50,074	£26.03	£51,999	£27.03
46	£51,334	£26.68	£53,259	£27.68



Astley Village Parish Council

Job Description Village Caretaker

Overall Responsibilities

1. To litter pick each Tuesday morning between 9.30 – 11.20 am, or when necessary, including walkways, footpaths, ginnels and paths.
2. To check planters/trees, check for weeds, watering etc carry out seasonal planting, report any problems.
3. To check the SPID's are working each week.
4. To ensure the health and safety of yourself and others. You must also co-operate with the Parish Council so that it can comply with its health and safety obligations.
5. To comply with the Parish Council's Equal Opportunity Policies.
6. To raise any grievance arising from your employment, through the Parish Council's Grievance Procedure. If you are dissatisfied with any disciplinary decision made against you, you will pursue this through the Parish Council's Disciplinary Procedure.
7. To attend training courses as required by the Parish Council.
8. To participate in an annual appraisal.



Astley Village Parish Council

BULLYING AND HARASSMENT POLICY

1.0 PURPOSE AND SCOPE

1.1 Statement: In support of our value to respect others this Parish Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the Parish Council or members of the public from the community which we serve. The Parish Council is committed to the elimination of any form of intimidation in the workplace. This policy reflects the spirit in which the Parish 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 Parish Council's Grievance and Disciplinary Procedures. The Parish Council will issue this policy to all employees and Parish Councillors as part of their induction. The Parish 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 the 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 Parish 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 worker 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 e-mail, social media, 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 Parish Council's Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the Parish Council for employees or through referral to the 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 Parish Council will take appropriate legal advice, sometimes available from the Parish Council's insurer, if such a matter arises.
- 1.5 The Legal position:** The Parish Council has a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the Parish Council and the perpetrator(s) as individual named Respondents.

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. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination.

The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

2.0 DEALING WITH BULLYING AND HARASSMENT COMPLAINTS

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 Personnel Committee or another Councillor 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 Parish 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 Chair of the Parish Council, 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 a 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 the Parish Council should use the Parish Council's official Complaints Procedure.

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 Parish 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 Chair/Councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. 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 Parish Council should contact another Agency such as, an employer's body or Acas to this effect or the Parish 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 Parish Council without prior approval by the complainant. The Parish Council will not victimise the complainant for raising the complaint once the appropriate grievance/disciplinary process has been concluded.

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 Parish Council's Disciplinary procedure, under the Employment Act 2002 provisions and would normally be treated as Gross Misconduct. For Members who the Parish Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Parish 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 Parish 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 Parish Council and representation on any outside bodies, a referral to the Standards Board (or equivalent) by the Parish 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.

2.5 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.

3.0 RESPONSIBILITIES

All parties to the Parish Council have a responsibility to ensure that 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.



Astley Village Parish Council

EQUALITY AND DIVERSITY POLICY

INTRODUCTION

Astley Village Parish Council is an equal opportunities employer. We are committed to equality of opportunity and to providing a service and following practices, which are free from unfair and unlawful discrimination. The aim of this policy is to ensure that no applicant or member of staff receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. It seeks also to ensure that no person is victimised or subjected to any form of bullying or harassment.

We value people as individuals with diverse opinions, cultures, lifestyles and circumstances. All employees are covered by this policy and it applies to all areas of employment including recruitment, selection, training, deployment, career development, and promotion. These areas are monitored and policies and practices are amended if necessary, to ensure that no unfair or unlawful discrimination, intentional, unintentional, direct or indirect, overt or latent exists.

The Personnel Committee has responsibility for implementing and monitoring the Equality and Diversity in Employment Policy supported by the Parish Clerk and, as part of this process, all personnel policies and procedures are administered with the objective of promoting equality of opportunity and eliminating unfair or unlawful discrimination.

All employees, workers or self-employed contractors whether part time, full time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Parish Council.

Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all individuals in the Parish Council as it seeks to develop the skills and abilities of its people. While specific responsibility for eliminating discrimination and providing equality of opportunity lies with the senior management team, individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of every employee to this policy and application of its principles are essential to eliminate discrimination and provide equality throughout the Parish Council.

OUR COMMITMENT

- To create an environment in which individual differences and the contributions of our staff are recognised and valued.
- Every employee, worker or self-employed contractor is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Equality in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.

EQUAL OPPORTUNITY POLICY STATEMENTS

AGE - We will:

- ensure that people of all ages are treated with respect and dignity;
- ensure that people of working age are given equal access to our employment;
- training, development and promotion opportunities; and
- challenge discriminatory assumptions about younger and older people.

DISABILITY - We will:

- provide any reasonable adjustments to ensure disabled people have access to our services and employment opportunities;
- challenge discriminatory assumptions about disabled people; and
- seek to continue to improve access to information by ensuring availability of loop systems; Braille facilities; alternative formatting; and sign language interpretation.

RACE - We will:

- challenge racism wherever it occurs;
- respond swiftly and sensitively to racist incidents; and
- actively promote race equality in the Parish Council.

GENDER - We will:

- challenge discriminatory assumptions about women and men;
- take positive action to redress the negative effects of discrimination against women and men;
- offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same; and
- provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment.

SEXUAL ORIENTATION - We will:

- ensure that we take account of the needs of lesbians and gay men; and
- promote positive images of lesbians, gay men and bisexuals.

RELIGION OR BELIEF - We will:

- ensure that employees' religion or beliefs and related observances are respected and accommodated wherever possible; and

- respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

PREGNANCY OR MATERNITY - We will:

- Ensure that people are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity;
- challenge discriminatory assumptions about the pregnancy or maternity of our employees; and
- ensure that no individual is disadvantaged and that we take account of the needs of our employees' pregnancy or maternity.

MARRIAGE OR CIVIL PARTNERSHIP - We will:

- Ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership;
- challenge discriminatory assumptions about the marriage or civil partnership of our employees; and
- ensure that no individual is disadvantaged and that we take account of the needs of our employees' marriage or civil partnership.

EX-OFFENDERS We will:

- prevent discrimination against our employees regardless of their offending background (except where there is a known risk to children or vulnerable adults).

EQUAL PAY - We will:

- ensure that all employees, male or female, have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.