

MINUTES OF THE MEETING OF THE STAFFING COMMITTEE

The meeting took place in a virtual environment using “Zoom” video conferencing technology and members of the public and press were given the opportunity to observe or participate in the meeting.

Held on Friday 20th November 2020 at 9.00am

PRESENT: Cllr John Haywood, Chairman
Cllr Tony Ring, Town Mayor
Cllr Jeremy Heron, Chairman of Policy & Finance Committee
Cllr Gloria O’Reilly
Cllr Darren Loose (from 10.05am)

IN ATTENDANCE: Mr Chris Wilkins, Town Clerk
Mrs Jo Hurd, Deputy Town Clerk

S/0043 PUBLIC PARTICIPATION

No members of the public were present.

S/0044 APOLOGIES FOR ABSENCE

No apologies had been received.

S/0045 DECLARATIONS OF INTEREST

No interests were declared.

S/0046 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 23rd September 2020, having been circulated, be approved and signed by the Chairman as a correct record.

S/0047 HUMAN RESOURCES MANAGEMENT UPDATE

The Town Clerk updated Members on working arrangements during the current period of lockdown. The Grounds Team continued to work full time, and the Information Officers were working every day in Gateway. Carvers Clubhouse Café was closed and whilst the Manager remained fully occupied, other staff were taking leave and undertaking work where possible. All other staff were working from home and only visiting the office if necessary. The situation would be reviewed before 2nd December, when the lockdown period was due to come to an end.

Whilst it had been necessary for some staff to self-isolate, this had not caused any disruption in service.

All staff working from home had completed a self-assessment form on working conditions, and an exercise would be carried out on stress in the workplace. Staff had been advised of the tax relief available to them.

Members were informed that arrangements were being put in place to cover the critical work of one member of staff who was currently unwell.

Members also received an update on working arrangements over the Christmas period.

Members wished to thank all staff for their continuing perseverance and adaptability during these unusual times.

RESOLVED: That the verbal report be noted.

S/0048

EMPLOYMENT LAW AND HR SUPPORT CONTRACT

Members considered the Town Clerk's report (*Annex A*).

It was noted that the Council received a good service from the current provider of employment law and HR support. Employee contracts and handbook had been updated and requests for assistance were responded to quickly. However, although they had many town and parish council clients, they were not specialists in the sector and could take some time to understand the nuances of local government terms and conditions. In addition, they had not been as proactive as expected in terms of updating policy in line with changes in legislation.

Members agreed that assurance was required that the Council was receiving value for money and acknowledged that prices for similar sized companies were likely to be on a par with current fees. They agreed that the advantage of using a large company was the depth of knowledge and that the ramifications of not receiving good advice could be considerable.

It was agreed that the time and cost involved in tendering for a new contract would be disproportionate to the outcome, and therefore a simple desktop exercise should be carried out to look at ballpark costs of similar providers. If the variance was not considerable, the contract should be renewed with the current provider.

RESOLVED: That the contract with the current provider be renewed, subject to a comparison of costs of similar providers not resulting in any great variance.

S/0049

TOWN CLERK'S ANNUAL APPRAISAL PROCESS

Members considered the Town Clerk's report (*Annex B*).

It was noted that two Members of the Committee had carried out an informal appraisal last year, but not in the context of the recently adopted Pay Policy. There was now a need to introduce a clear process to enable the Committee to make a decision on the Town Clerk's annual pay award.

Members agreed they had no desire to introduce a target driven regime and that a simple process should be introduced to measure the Clerk's performance against their ability to manage Council business on a day to day basis and handle events as they occur. The process should be flexible enough to enable the Committee to direct and measure performance at a particular time if required.

It was suggested that the Town Clerk prepare an annual report in the form of an operational review of the past year and ideas for the future.

RESOLVED: That two Members of the Staffing Committee conduct an annual appraisal with the Town Clerk and make a recommendation regarding performance during the previous year to enable the Committee to make a decision on the annual pay award and consider any other issues that might arise.

**S/0050
EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That, in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded because publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted (staffing matters) (*Confidential Annex C*)

Cllr Loose joined the meeting at 10.05am.

The Town Clerk and Deputy Town Clerk left the meeting at 10.06am.

**S/0051
OFFICE STAFFING MATTER**

RESOLVED: That Cllrs Haywood and O'Reilly be appointed to conduct the Town Clerk's annual review and appraisal in accordance with the foregoing resolution ref. no. S/0049.

There being no further business, the Chairman closed the meeting at 10.30am.

Note: The text in the Action Boxes above does not form part of these minutes.

RECEIVED

APPROVED

TOWN MAYOR

COMMITTEE CHAIRMAN

STAFFING COMMITTEE

20 November 2020

Report on employment law and HR support contract

A

1. Introduction and reason for report

1.1 The multi-year contract under which the Council receives specialist support on employment law and other human resources management issues expires next year. Given the importance to the Council of this support and the value of the contract it is fitting for this committee to consider and specify in good time what provision to make after its expiry and the process to be followed.

2. Background information

2.1 Employment law and human resources management procedures are complex subjects fraught with pitfalls for the unwary. Mistakes can be distressing at a human level for those concerned and result in significant expense to the public purse. For these reasons, it is generally considered unwise for councils employing a workforce of the size of this Council's to rely exclusively on the knowledge and skills of councillors and managerial staff (who are not specialists). These considerations led the Council into signing a five-year contract for the provision of specialist support which is set to expire on 30th September 2021.

2.2 Officers advise that the need for support remains unchanged and that the Council should seek to enter a fresh contract. This type of contract is judged to fall within the exceptions to the general procedures specified in our Financial Regulations, allowing members a greater degree of flexibility in deciding how to procure the services needed.

3. Options

3.1 The following procurement procedures are available:

3.1.1 *Simple renewal* with the current provider. This would be easy to arrange and require least work on the part of officers and members alike. Given current staff capacity constraints this is an important factor to consider. However, it is usually desirable to conduct a more competitive procurement process for contracts if the duration and value warrant the trouble; to secure assurance that value for money is being obtained.

3.1.2 *Closed tender*. This would involve seeking offers or tenders from several pre-selected potential providers, assessing them appropriately and awarding the contract to the one judged best. It requires more work, especially because in order to be fair, it is necessary to agree beforehand, at least in outline, the process that will be followed and the criteria by which offers and tenders will be judged.

3.1.3 *Open tender*. This would involve publicly inviting tenders from any interested parties with no pre-selection. It involves the preparation of a detailed invitation to tender document specifying in detail matters such as the precise services that are required, the exact process that will be followed (with a timetable), any qualifying conditions bidders must meet, the evaluation and scoring process, etc. Such formality is usually reserved for higher-value procurements than is involved here.

3.2 Whichever procedure is selected now, this committee would have a further say (either in considering simple renewal terms or in overseeing a tender process) at a later date.

4. Issues for decision and any recommendations

Whether further specialist employment law and HR support should be sought when the current contract expires and, if so, how it should be procured.

(RECOMMENDATION: That further support be sought by contract procured under a closed tender process – members are invited either to specify the contract term and any providers specifically desired or to leave these to the discretion of officers.)

For further information, contact:

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STAFFING COMMITTEE

20 November 2020

Report on Town Clerk's Annual Appraisal Process

B

1. Introduction and reason for report

- 1.1 Members have expressed a desire to review the process by which the performance of the Town Clerk is appraised and a decision is made about the awarding of pay increments.

2. Background information

- 2.1 The Council as employer owes a duty to each of its employees to treat issues of performance and pay as confidential. It is therefore important that the issues under this item are considered in the abstract only. **Comments about the performance of the current post-holder and his pay entitlement should not be made at this point in the meeting.**
- 2.2 This Council is not unusual in spending roughly half its budget on payroll costs. Since the Clerk is the only member of staff both directly accountable to and capable of being appraised by councillors, this would suggest that appraising the clerk's performance should be an important function for the council. However, there is no mandated or even standard or recommended process for town and parish councils to follow when appraising the performance of their clerks. This reflects the huge diversity within the sector and the inherent difficulties of the task.
- 2.3 The first difficulty is the purely practical one given the nature of councils as corporate bodies. On the one hand, all councillors probably feel some responsibility for the task; their governance and oversight role and their political accountability demand no less. On the other hand, it would clearly be impractical for all 14 members to participate directly.
- 2.4 The greater difficulty though can be the political one. Each councillor will have their own concerns and priorities and this can result in clerks being issued with (and assessed against) lists of aims and priorities so absurdly long that failure is pretty much guaranteed from the outset. However, preventing this by excluding some (in practice, most) councillors can result in important policy goals being ignored and the wishes of only a small and potentially unrepresentative group of councillors being acted upon.
- 2.5 In larger, more "political" councils, these difficulties can be tackled by involving the leaders of every major political grouping. That solution is not obviously available here nor does it seem likely that members would wish to adapt to make it available. Another approach is to appraise by reference entirely to matters that have no political sensitivity. However, that all too easily degenerates into a futile exercise of measuring what is measurable rather than what matters and the clerk being driven to "hit the target but miss the point".
- 2.6 Mindful, perhaps, of these difficulties this Council has, these last few years, adopted the relatively informal approach of appointing two members to meet the clerk for a private exchange of views; which have tended to be rather general in nature. No attempt has been made to set specific goals or measure performance against them in any very structured or rigorous manner. In turn, the Clerk and other officers responsible for conducting appraisals have taken a similar informal approach. No employees are subject to anything like the "deep appraisal" described in 3.3 below.

- 2.7 Turning to the matter of pay, on the 26th June 2019 the Council adopted the Pay Policy attached as Appendix 1. This sets out several important principles, the most relevant for present purposes being that a range of pay points will usually be specified for each post and that post-holders will be awarded a single increment every year until they reach the top of their range unless a specific decision is made to with-hold this or award an extra increment. These principles apply to the Town Clerk with the only difference being that the decision whether to with-hold an increment or award an extra one is made by this committee. No direction is given on the procedure it should follow.
- 2.8 The contract of employment between the Council and the Town Clerk states only that “Salaries are reviewed annually in January. Any increment rises are subject to satisfactory performance.” The combined effect of the policy and the contract is, therefore, that the committee does not necessarily need to do anything unless the clerk’s performance is considered so unsatisfactory that an increment should be withheld or so exceeds expectations that a single increment is considered insufficient (either case being the exception rather than the norm, one would imagine).
- 2.9 The pay scale for the post (taken from the nationally-negotiated NJC scale) is SCP37 to SCP45 (these were numbered 43 to 51 before the last re-organisation of the scale and equate to £40,876 to £49,213 in 2020-21).
- 2.10 The NJC scale is divided into several ranges. First, a “substantive benchmark range” is specified for each of LC1, LC2, LC3 and LC4. These are intended to define, in broad terms, the differing scale or complexity of clerking roles according the differing councils in our sector, their sizes and workforces, number of meetings, facilities to be managed, aspects of the job, etc. LC1 being the lowest and LC4 the highest. Secondly a “below substantive range” and “above substantive range” is given for each, to allow for some fine tuning to local circumstances. Our range encompasses the whole of the substantive benchmark and above substantive benchmark ranges for LC3.

3. Options

- 3.1 *“Informal review”* – Continue the recent practice as described in 2.6 above. Do nothing about pay unless exceptional circumstances require a discussion and decision from the committee.
- 3.2 *“Light Appraisal”* – Whole committee meets clerk (after excluding the press and public) for a general discussion of performance over previous year, broad aims for the coming year and general feedback. Clerk then leaves so committee can agree a decision about the pay increment. If this option is favoured, the Clerk could be asked in future years to produce some form of annual report as a basis or starting point for the discussion, if desired.
- 3.3 *“Deep Appraisal”* – As preceding except that specific goals or targets are negotiated in order to define precisely what will amount to performance that is unsatisfactory, satisfactory or exceeding expectations. (This might be difficult or contentious unless the whole council has agreed a strategy or business plan to which these goals can align.) The committee formally assesses performance accordingly, giving reasons for its judgement when necessary. This then determines the pay increment award. If this option is favoured, it would be advisable to settle a written format for recording goals and performance judgements to ensure fairness and consistency over time.

4. Issues for decision

Whether to adopt one of the options described above for appraising the clerk's performance and reviewing the clerk's pay or some other process.

For further information, contact:

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Pay Policy

Adopted on: 26th June 2019

1. Introduction

This Policy contains the principles and practices to be observed with regard to the pay of Council employees and workers:

- whenever a paid post is created or reviewed prior to recruitment;
- when an appointment is made to a paid post
- whenever pay is reviewed either as part of a general annual review or an interim review;
- a post is being re-graded; or
- in any other situation involving an issue of pay or pay review.

This policy does not apply to payments under contracts for services as distinct from contracts of service.

2. Pay and pay scales

- 2.1 Pay shall be linked to the scale promulgated from time to time by the National Joint Council for Local Government Services with the annual pay (or its hourly equivalent) for each post-holder being set at one of the points on that scale.
- 2.2 No paid post shall be created nor any new appointment made to an existing paid post without the prior approval of councillors. Save in the case of a post arising from the transfer of an employee with protected rights or other exceptional circumstance, councillors shall specify a range of at least 4 pay points on the NJC scale to the post.

- 2.3 From recruitment or appointment, employees shall be paid at the lowest point on the relevant range unless a higher point is agreed having regard to prior experience, fulfilment of desirable criteria set out in the person specification or other relevant factors.
- 2.4 Any employee who has worked for the Council for at least six months shall be entitled to apply for their post to be re-graded for pay purposes at any time PROVIDED THAT no post shall be re-graded more than once in any three-year period unless there has been a material change in the duties required or level of responsibility carried since the current grade was set.

3. Pay review

- 3.1 Changes to pay figures agreed by NJC shall be applied to the pay of employees as agreed by NJC. Any shortfalls in pay arising from back-dated increases in pay shall be paid (without interest) as soon as practicable.
- 3.2 Subject to clauses 3.3, 3.4, 4 and 5 below, each employee shall be awarded one increment (that is, their pay shall move one point up the scale relating to their post) with effect from 1st April every year unless and until their pay has reached the top point on the scale for their post.
- 3.3 Whenever the 1st April falls within the probationary period of an employee, the increment described in clause 3.2 shall not take effect unless and until satisfactory completion of that probationary period (or any extension of it).
- 3.4 If the Town Clerk considers (after consultation with any separate line manager involved) that the performance and/or behaviour of an employee has:
- 3.4.1 fallen significantly below the standard expected, he may withhold the increment that would otherwise be awarded by virtue of clause 3.2 above; or
- 3.4.2 greatly exceeded the standard expected, he may award a second increment in addition to that awarded by virtue of clause 3.2 above.

In either case, an employee aggrieved by the decision of the Town Clerk may appeal that decision to the Council's Staffing Committee by giving notice of such desire to the Town Clerk. The Town Clerk must then arrange a meeting of the Staffing Committee which will then

decide whether to uphold the decision of the Town Clerk or substitute a decision of its own. At any such meeting, the Town Clerk will act as presenting officer and the Deputy Town Clerk will act as clerk to the committee (unless the Deputy Town Clerk is the aggrieved employee, in which case the services of an independent person will be arranged).

4. Changes to the NJC Scale

- 4.1 From time to time changes are made to the structure of the NJC scale and this can lead to uncertainty as to how an increment is to be applied when it coincides with such a change. In such circumstances, the following rules are to apply.
- 4.2 If the pay point for a post is abolished altogether or amalgamated with one or more other pay points, then on the effective date of the change, the pay for that post is to be increased to the next highest pay point on the new scale and no other increment is to be awarded.
- 4.3 If one or more additional pay points are created within a pre-existing range of points, any increment awarded to the holder of a post affected shall apply to the points on the new scale.
- 4.4 The provisions of clauses 3.3 and 3.4 above shall apply *mutatis mutandis* and any employee aggrieved by the outcome of the application of these rules shall have the same right of appeal described in clause 3.4 above.

5. Application to the Town Clerk

- 5.1 The provisions of clauses 2, 3.1, 3.2, 3.3 and 4 shall apply to the Town Clerk unless the Council agrees alternative arrangements with the Town Clerk.
- 5.2 The provisions of clause 3.4 shall apply to the Town Clerk with the substitution of the words “the Staffing Committee” for “the Town Clerk”.