



29th May 2024

The meeting of the **STAFFING COMMITTEE** will be held in the **KIDDERMINSTER ROOM, WYRE FOREST HOUSE** on **MONDAY 3rd JUNE 2024** at **6:00PM** when Members are summoned to attend.

Yours Sincerely,

Hugh Peacocke
Chief Executive

Membership: Councillors: L. Carroll, B. Connor, G. Connolly, H. Dyke (Chairperson) and F. Oborski

AGENDA

1. Apologies for absence

2. Declarations of interest

To receive declarations under consideration on this agenda in accordance with the Localism Act 2011 s32 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Members are reminded that should you declare a pecuniary interest at a meeting, it is your responsibility to inform the Monitoring officer.

3. Minutes (Appendix 1)

To approve the minutes of the meeting of Staffing Committee held on 28th February 2024.

4. Terms of Reference (Appendix 2)

To note the Committee's terms of reference, as approved by Full Council on 23rd May 2024.

5. Employment Law (Appendix 3)

To note changes in Employment Law from April 2024.

6. Chief Executive Officer Performance Management (Appendix 4)

To appoint 3 members to a panel for Performance management and Appraisal of the Council's Chief Executive Officer.

7. Forward Work Programme (Appendix 5)

To note the forward Work Programme for the Committee and consider any additions

8. Exclusion of the public and press

RECOMMENDED in terms of Schedule 12A, Local Government Act 1972, the following items will be likely to disclose exempt information relating to personal and matters and it is, therefore, **RECOMMENDED** that pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act 1960, the public and press be excluded.

9. Staff training and Development (Appendix 6)

To receive an update.

10. Mayor's Officer/ Attendant Role. (Appendix 7- to follow)

To approve arrangements for this role.

11. Staffing Structure (Appendix 8)

To receive an update and consider amended proposals.

KIDDERMINSTER TOWN COUNCIL
PUBLIC Minutes of the Staffing Committee of Kidderminster Town Council
held in the Kidderminster Room, Wyre Forest House
on Wednesday 28th February 2024 at 6:00pm

Present:

Councillors:

J. Smith (Chair), S. Rook, R. Bishop

In Attendance:

H. Peacocke, Chief Executive

At the outset of the meeting, the CEO thanked the members of the Staffing Committee who were involved in selecting him for the role for giving him the opportunity to serve as CEO to the Council and said that he would work hard to repay their vote of confidence in him.

16 **APOLOGIES FOR ABSENCE**

Councillor Helen Dyke.

17 **DECLARATIONS OF INTEREST**

Nil.

18 **MINUTES**

RESOLVED: That the minutes of the Staffing Committee meeting held on 6th December 2023 were a correct record and duly signed by the Chair.

19 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: In terms of Schedule 12A, Local Government Act 1972, the following items will be likely to disclose exempt information relating to establishment and contractual matters and it is, therefore, **RESOLVED** that pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act 1960, the public and press be excluded.

20. **Town Hall re-opening**

The meeting considered staffing arrangements for re-opening the Town Hall following the transformation project.

It was noted that Council agreed on 18th October 2023 to approve the Committee's proposed revised staffing structure in principle, subject to comments from HR being received.

RESOLVED: To request the Council's HR Consultants to advise on the Job descriptions required for the proposed restructure and the consultation required regarding any posts at risk or possible redundancies arising from such a restructure.

21. Staffing Matters

21. Employment contracts

Resolved: To approve amendments to the contracts of 2 employees of the Council

21.2 Training and Development

Resolved: To approve ILCA training course for 2 employees of the Council.

Resolved: To reconsider this matter further after the Staffing review had been completed.

21.2 Employee support

Resolved: To approve payment towards Employee support

The business of the meeting concluded at 6.33 pm.

DRAFT

KIDDERMINSTER TOWN COUNCIL

STAFFING COMMITTEE

Terms Of Reference

1. Scope

Kidderminster Town Council has delegated the functions listed below to the Staffing Committee. The Committee will provide an opportunity where Officers and Members can bring together their knowledge, skills, and experience in pursuit of Services excellence. The Committee will ensure the Council is adequately staffed and appropriate training and support is available for all Councillors and staff. The Committee will approve staffing levels, performance management and staff terms and conditions.

2. Objective

The main objective of the Committee is to determine the best staffing arrangements for the effective delivery of the Town Council's services.

3. Terms of Reference

1. The Staffing Committee has authority to approve appointment, recruitment and terms and conditions for all employees for the Council, excluding the Council's CEO.
2. The Staff Committee reviews all employment policies for Council Staff and makes appropriate recommendations to the Finance & Overview Committee.
3. In respect of the Chief Executive Officer to appoint a panel of 3 members of the Committee, including the Chairperson, to carry out the CEO's annual appraisal and report back to the Committee with any relevant recommendations.
4. In respect of the Chief Executive Officer & Responsible Finance Officer, to:
 - i. recommend to the Full Council appropriate staffing arrangements for the posts and relevant salary scales and conditions;
 - ii. provide the Town Council with recommended Job Description and Person Specification; and
 - iii. propose to the Town Council such recruitment and selection processes as are required for appointment to the post
5. In respect of all other staff, to:
 - i. determine terms and conditions for posts established by the Town Council;
 - ii. agree and implement appropriate recruitment and selections processes for each post; and
 - iii. formally confirm appointments
6. The Chief Executive Officer may consult with the Committee in connection with any staffing related matter.
7. To oversee the Council's appraisal process and to approve any recommendations arising from the annual appraisals, including training and development needs, salary progressions and merit awards.
8. To approve salary scales, terms and conditions and to make any relevant recommendations to the Finance and Overview Committee on salary scale reviews.
9. To review and address staff training and development needs

10. Termination of employment of staff and in the case of the Chief Executive Officer to make recommendations to the Full Council
11. To review and make recommendations to the Finance and Overview Committee with regard to the appointed Personnel consultancy services
12. To review the Council's staffing budget each year, prior to the annual budget-setting process
13. To approve applications for external funding for any projects which are not already in the Council's budget and monitor their delivery, where successful.
14. To establish Sub-Committees and working groups, and to appoint advisers as and when necessary to assist in its work.

Grievance and Disciplinary matters

15. To act as the Council's Grievance and Disciplinary Panel with the necessary delegated decision-making powers in relation to grievance and disciplinary issues for members of the Council's Management Team.

Meetings of the Panel will be called on an ad hoc basis as required, called by the Chief Executive Officer and with notice given to the relevant employee. A minute taker will be present throughout the proceedings.

When carrying out this role the Committee will follow the procedure set out in the Town Council's Grievance and Disciplinary Procedures.

16. To act as the Appeals Panel in relation to any appeal against the decision of the Disciplinary Panel or the outcome of a Grievance.
17. Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel. Additional Members may be appointed to the Appeals Panel by the Sub-Committee, in the event of a conflict of interests.
18. The Appeals Panel will consider any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council.
19. The Chief Executive Officer will call the meeting and notice will be given to the employee.
20. A minute taker will be present throughout the proceedings.
21. The Panel will follow the procedure set out in the Town Council's Disciplinary Procedure.

4. Membership

- The Committee will comprise of 5 Members of the Town Council. It will be supported by the Chief Executive Officer.
- All meetings will be open to the public and Guests may be invited to attend the Services Committee meetings for a specific agenda item or meeting.

5. Review of Terms of Reference

The Town Council will formally review the Terms of Reference annually.

6. Amendments to Terms of Reference

Amendments to the Terms of Reference may only be made by the Town Council.

7. Terms of Reference (meetings)

- The group shall meet at least quarterly
- Minutes will be kept, and a copy supplied to each member of the group as soon as reasonably practicable.
- Every effort will be made to re-arrange cancelled meetings as soon as is reasonably practicable.

8. Meeting Dates

- All representatives should actively participate in the meetings and be committed to following through actions allocated to them.
- Agenda and notice of the time and place of the meeting to be published and circulated to members at least 3 clear days prior to meetings.
- Meeting to last no longer than one hour, unless a longer time is agreed by the committee, within the hour.
- Please arrive in readiness for the meeting to start promptly at the allocated time.

Agreed meeting dates for 2024/25

Date	Time	Location
3 rd June 2024	18.00	Kidderminster Room WFH
16 th October 2024	18.00	Kidderminster Room WFH
3 rd December 2024	18.00	Kidderminster Room WFH
5 th March 2025	18.00	Kidderminster Room WFH

EMPLOYMENT LAW CHANGES APRIL 2024

Chris Moses LLM Chartered FCIPD

EMPLOYMENT RELATIONS (FLEXIBLE WORKING) ACT 2023

– Implementation April 2024

A greater entitlement to request a change to:

- The number of hours worked each week
- Start and finish times
- To request home working.
- These will be day one entitlements.

Personnel

Advice &

Solutions Ltd

Regardless of whatever appears in a Job Advertisement, Job Offer letter or Contract of Employment, a new Employee can submit a request from their first day in a job.

The Act also includes an opportunity for workers to submit two requests in a rolling twelve month period.

Any request made by an Employee will have to be subject to a 2/3 week consultation process.

Currently a line manager only needs to meet with an Employer to discuss their request.

Reasons for refusal:

- Additional cost to the Council.
- Damage to Parishioner service.
- Inability to share work out amongst other staff.
- Damage to quality of work.
- Damage to performance.
- Inability to recruit staff to cover reduced hours.

If, following a period of consultation and a meaningful assessment of the evidence, it can be proven that one or more of the above apply, the request can be rejected.

HOLIDAY PAY

Councils can add a holiday pay increment of 12.07% to Employees' pay, rather than pay holiday pay when they take time off.

Where would this work?

Locums

Fixed Term staff

Zero hours staff

Part time (short hours) Clerk.

For Example

Employee earns £100/week

Holiday pay (@ 12.07%) = £12.07

Total Pay £112.07

No pay when they take leave

No payment in lieu when they leave

NJC Entitlement:

$$23 + 8 + 2 = 33/5 = 6.6 \text{ weeks}$$

$52 - 6.6 = 45.4$ weeks to be worked in a year.

$$6.6 / 45.4 = 0.1450$$

The percentage is 14.50% NOT 12.07%

Worker who earns £100 per week

Holiday Pay = £14.50

Total Pay £114.50

CARERS LEAVE ENTITLEMENT

Implementation April 2024

- Employees who have caring responsibilities can request up to 4 weeks unpaid leave in a 12 month period.
- This entitlement has no qualifying period and will be available from day one of employment.

Requests can be made for:

- The whole 4 weeks in one go
 - 1, 2, 3 weeks
 - Single days or half days

Councils can refuse specific dates due to business reason.

But must provide a mutually agreed date within one month of the original request.

- Failure by Councils to facilitate these requests would be a breach of statutory rights and could result in claims for Unfair/Constructive Dismissal.
- As this is a day one entitlement, such claims could be made without two years continuous service.

NEW PATERNITY LEAVE REGULATIONS

New dads can take two week paternity leave entitlement as two separate one week blocks (rather than having to take just one week in total or two consecutive weeks)

Personnel

Advice &

Solutions Ltd

This can be taken any time in the 52 weeks after birth (rather than having to take leave in the 56 days following birth)

Personnel

Advice &

Solutions Ltd

28 days notice required to take paternity leave
(Previously 15 weeks notice required before the
Expected Week of Childbirth (EWC))

Personnel

Advice &

Solutions Ltd

SEPTEMBER / OCTOBER 2024

WORKERS (PREDICTABLE TERMS AND CONDITIONS) ACT 2023

Anyone with 26 weeks continuous service who is engaged on a zero hours contract, or fixed term contract, will be able to request:

1. Regular hours.
2. Regular Days.
3. If they are engaged on a fixed term contract of 12 months or less, they can request that the contract be extended for a longer period or made permanent.

The worker must submit their request in writing.

Reasons for rejection.

1. Additional Costs.
2. Potential damage to Parishioner service.
3. Detrimental impact on recruiting staff.
4. Detrimental effects on other aspects of the Council.
5. Lack of work.

The Employee can Appeal.

If unsuccessful the Employee can make a claim to an Employment Tribunal based on the Council's failure to prove that their reasons.

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Public Report

Kidderminster Town Council

Staffing Committee meeting - 3rd June 2024

Agenda Item: 6. Chief Executive Officer Performance Management

To appoint 3 members to a panel for Performance management and Appraisal of the Council's Chief Executive Officer.

The Committees Terms of reference include the following:

In respect of the Chief Executive Officer to appoint a panel of 3 members of the Committee, including the Chairperson, to carry out the CEO's annual appraisal and report back to the Committee with any relevant recommendations.

Until now, the Town Mayor has been designated as the CEO's "Line Manager". This conflicts with proper governance arrangements for Local Councils, where decisions are made at Council or Committee level. It also runs the risk of personal bias, which could result in either Council members or the CEO feeling aggrieved. Accordingly, it was recommended to Council that a panel be appointed to undertake performance reviews and appraisals for the CEO, making recommendations to the Staffing Committee to consider/ approve.

Hugh Peacocke
CEO

28th June 2024.

Kidderminster Town Council

Work Programme for Staffing Committee Meetings for the Municipal Year 2024/25.

Standing Items on each (ordinary meeting) agenda:

1. Apologies
2. Declarations and Dispensations
3. Approval of Minutes of previous meeting
4. Questions/ Petitions from members of the Public

Other items of Business

Meeting Date	Item
3 June 2024	Committee Terms of Reference To note
	Employment Law Update 2024 To note
	Staff Structure To approve a proposal for consultation with KTC staff
	CEO Performance Panel To appoint 3 members to the Panel (Probation and appraisal)
	Mayor’s Officer/ Attendant role
	Staff Training and Development
16 October 2024	Employees’ Handbook To review the employees’ handbook.
3 December 2024	Staff Budget for 2025/26 To make recommendations in this matter
	Staff Appraisals To receive a report from the CEO on staff appraisals and from the CEO Performance Panel
5 March 2025	