



## St Dennis Parish Council Staff and Office Management Policy and Plan.

### Introduction:

A local Council is required to appoint only such proper officers as it thinks necessary<sup>i</sup>. It is not bound to appoint any specified officer<sup>ii</sup>, but must secure that one of its officers is responsible for its financial affairs<sup>iii</sup>. The duty of the officer is subject to the general power of local authorities to do anything which is calculated to facilitate, or conducive or incidental to the discharge of their functions<sup>iv</sup>.

A local Council also has the power to appoint one of its members as an unpaid Clerk<sup>v</sup>. Generally, it is undesirable for a Cllr also to be the Clerk of the Council of which they are a member, except on a temporary basis whilst the Council is without a paid Clerk. A Cllr cannot participate fully and effectively in Council and Committee meetings when acting as the Clerk and there is likely to be conflict of interest between the roles of Cllr and Clerk. An unpaid officer post must be specifically created before a Cllr can be appointed (unless this is on a temporary or emergency basis with the prior agreement of the Council).

It is however it widely advised that this should not be a course of action that should be taken without due consideration of the implications for the Council<sup>vi</sup>. There is no specific power within the LGA 1972 Act to delegate any functions of the Council to a single member. In the event that St Dennis Parish Council were to find themselves without a proper officer, in the first instance contact should be made with Cornwall Association of Local Councils as set out in the Business Continuity Policy and Plan to ensure that steps taken to resolve short term issues are legal and transparent. Other arrangements that can be made in this situation are to second an officer from another local authority, under s112 of the LGA an officer can be appointed and s113 makes an allowance to share that officer with another council.<sup>vii</sup> Following a decision from the Council a locum Clerk can be appointed to cover the role until the Council can arrange for a more permanent solution or in the event of sickness the employee is able to resume their duties.

The Council as the corporate body is the employer for all its employees. Decisions about employment matters cannot be delegated to individual Cllrs, including the Chairman. They can be delegated to employees such as the Clerk. It is recommended that management matters are dealt with by a committee appointed for such a purpose with appropriate Terms of Reference as decided by the Council.<sup>viii</sup>

### Role of the Staffing Committee:

St Dennis Parish Council have a dedicated Staffing Committee who answer to the Council. It is advisable that all members of the Staffing Committee should undertake training appropriate to the role to aid the Council in ensuring that it is acting legally within the framework of employment law and for the promotion of 'Best Practice'. The Staffing Committee are mindful of the confidentiality of staffing matters

The Staffing committee are responsible for:

- Staff recruitment
- Confirmation of individual Contracts of Employment and all terms and conditions

- reviewing annual salary awards and conditions of service of existing employees and make recommendations to full council prior to budget setting, giving due regard to staff development and NALC / CALC guidelines.
- recommend to full council each year the necessary budget for staffing with consideration for staff training needs in consultation with the clerk
- Appointing a member of the committee to seek advice for the committee in the event of a dispute between the Council and the Clerk
- Consider matters arising from the application of the Council's Disciplinary and Grievance Procedures and take all necessary action thereon.
- As and when required under the Council's Disciplinary and Grievance Procedures, appoint an Appeals Panel, whose members will not be members of the Staffing Committee, and appoint the Chairman of the Appeals Panel who will initiate an Appeals Panel Meeting.
- Consider recommendations from the Appeal Panel and take necessary actions thereon.
- Review any changes, which are required to comply with Employment Law, Health & Safety Law and Terms & Conditions of Service as laid down by the National Joint Council (NJC 'Green book') and recommended by National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC) including the Staff Handbook.
- Approving requests within the training budget for personal development training and health and safety requirements.
- Undertaking training identified from time to time to support their role as Council's staffing committee.
- Periodically review of staff policies in consultation with the Clerk.
- ensure that the Clerk has adequate resources for managing other staff and offering support when required.

The Staffing Committee are also responsible for the management of the Clerk as this duty cannot be passed to another employee. The Clerk is answerable to the Council as a whole but this could be cumbersome when dealing with confidential information and HR issues, so St Dennis Parish Council have delegated this role to the Staffing Committee. The main duties for the Committee are to:

- Nominate two persons from within the Committee that may access staff records if required.
- Appoint two members to carry out the Clerk's annual appraisal
- make arrangements for regular objective review of the Clerk's performance by this committee and take necessary action thereon
- Periodically review of staff policies in consultation with the Clerk.
- ensure that the Clerk has adequate resources for managing other staff and offering support when required.
- Approve holiday requests and manage the Clerks absence within the known policies of the Council.

St Dennis Parish Council have delegated within their policies the day-to-day line management of other staff to the Clerk<sup>ix</sup>, to be undertaken following the known policies of the Council. The Line Manager will not necessarily have any power to do anything on their own, but it is a clear line of report for the employee and avoids confusion within the employee's role of the business. The management of employees and instruction should remain clearly the authority of the Clerk, unless members are acting with the authority of the Clerk or with approved mandate from the Council, this avoids Council acting ultra vires, and the staff management lines for other staff becoming blurred. If there is a performance management issue or a grievance for example, then this would need referring to the committee.

#### The Role of the Clerk within Staff Management:

- To act as line manager for all staff that are employed by the Parish Council.
- To implement and ensure that staff policies are adhered to.
- To manage staff absence.
- To carry out all necessary activities with the management of salaries and conditions of employment and work of other staff.
- To conduct annual appraisals for all staff.
- To manage the training requirement of staff, reporting to the Staffing Committee any training that may needed or refreshed.
- Provide regular management reports to the staffing committee to include performance, absence management, leave, complaints and concerns.
- To refer any concerns regarding grievances and disciplinary matters to the Committee.
- To review in conjunction with the staffing Committee all staff policies.
- To ensure that the Council are meeting their obligations under employment law
- To review staff salaries in conjunction with the Staffing Committees
- To put forward for consideration a budget for staffing levels and training for all staff.

#### Management of the Office and Parish Council Business:

The 1972 Act and other legislation has committed much work and many duties to an unspecified proper officer of the council. In St Dennis Parish Council the Proper Officer is the Clerk. Several of these duties are set out in the Standing Orders, Financial regulations, adopted policies and procedures of the Council and the Clerks Contract.

Whilst there are two members of staff in the office, it is the Clerk who oversees all aspects of the work being undertaken, it is the duty of the Clerk to ensure that the office is managed efficiently, and within legal parameters. Drawing on his/her own initiative and as a result of suggestions by Councillors proposals for consideration by the Council and advise on practicability and likely effects of specific course of action. Representing the Council as and when required, attending training and seminars on the work and role of the Clerk and to continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the council, keeping themselves updated on changes that may affect the Council and or the Parish.

The clerk to the council is the proper officer of the council and as such is under statutory duty to carry out all of the functions, and in particular to serve or issue all notification required by law of a local authority's Proper Officer. The Clerk will be responsible for ensuring that the instructions of the Council in connection with its functions as a Local Authority are carried out. The Clerk is expected to advise the council on, and assist in the formation of, overall policies in respect of the Authority's activities and to produce all the information required for making effective decisions and to implement constructively all decisions.

The Clerk will be accountable to the Council for the effective management of all its resources and will report to them as and when required. The Council will expect the Clerk to perform administrative duties promptly and efficiently as required by the Council, i.e., responding to letters, emails, telephone calls, cemetery/funeral arrangements, statutory notices and liaise with the Parish Councillors when emergencies may arise.

The Clerk will act as the responsible financial officer to the Council, to include upkeep of all records, preparation of accounts for internal and external audits, production of quarterly analysis figures,

preparation of figures to support the application of the Parish rate (Parish Precept), PAYE and NIC, payment of invoices and recording of receipts.

To provide all necessary documents to comply with various Government Acts i.e., Freedom of Information, Race Equality, Discrimination, Crime and Disorder, General Data Protection Regulations etc and arrange for these documents to be reviewed annually by the General-Purpose Committee of the Parish Council.

Below is not an exhaustive list of specific duties but are the main duties conducted by the office:

- Maintain and inventory of Parish Council assets.
- Liaise as required with various committees of the Parish Council, Funeral Directors, and Contractors
- To liaise with Cornwall Council, assist with preparations of Local Parish Council elections and vacancies within the Parish Council.
- To ensure that the playing field, open spaces, cemetery, and footpaths are maintained to a high standard.
- Manage and maintain the Parish Council website and social media accounts
- To ensure that the statutory and other provisions governing or affecting the running of the council are observed.
- To monitor the balance of the Council's accounts and prepare records for audit purposes and VAT.
- To ensure that the Council's obligations for Risk Assessment are properly met.
- To prepare, in consultation with appropriate members, agendas for meetings of the council and committees. To attend such meetings and prepare minutes for approval. Other than where such duties have been delegated to another officer.
- To attend all meetings of the Council and all meetings of its committees and sub-committees. Other than where such duties have been delegated to another officer.
- To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence as a result of instructions, or the known policy of the Council.
- To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met. To issue invoices on behalf of the Council for goods and services and to ensure payment is received.
- To study reports and other data on activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Council.
- To manage the day to day running of the Council's burial ground including management of all cemetery records and dealing with the public, funeral directors, and contractors in respect of services provided within the burial ground.
- To manage the day to day running of the Playing Field, including arranging of the annual safety checks, maintain playing field records, managing bookings, liaising with members of the public and contractors.
- To monitor the implemented policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
- To act as a representative of the Council as required.
- To issue notices and prepare agendas and minutes for the Parish Meeting: to attend the assemblies of the Parish Meeting and to implement decisions made at the assemblies that are agreed by the Council.
- To prepare, in consultation with the Chairman, press releases about the activities of, or decisions of, the Council.

- To receive and review all planning applications, arrange meetings as and when necessary, convey comments and view of the Council to Cornwall Council Planning Department, and management of all records associated with planning decisions.
- The management of the Educational Bursary Scheme receiving and reviewing applications, seeking further information when required, consulting with applicants, course providers and the Education Bursary Committee.

General Office Procedures emails and Parish Council equipment:

Under General Data Protection Regulations, the office and the Council must ensure that obligations are met, and that all identifiable data is kept in a secure manner, all data of a sensitive nature is limited to those who require access including the HR records for all staff. To assist the Council in meeting these obligations the office manages the storage and access to this information. The Parish Council operate a clear desk policy and all Parish Council equipment will be held securely by Parish Council officers and office staff.

For this reason, when a member of staff is on leave then an out of office will be set on the email system requesting that if the email is of importance, then the relevant alternative staff member should be contacted.

Passwords to the computer systems will be changed annually. The Chair and Vice Chair will be given a signed and sealed envelope with all the passwords required to access the system if the Council find themselves without office staff on a long-term basis. If the situation arises whilst a member of staff is on holiday, then they may be contacted to set up out of office replies to up to direct correspondence if urgent to the relevant chairs of Committees or the Chairman. Access to the computer systems can be authorised by the calling of an extra ordinary meeting of the Council, it is essential that this decision is recorded and that two members are appointed to jointly undertake this role, however portable devices are not to be removed from the office by individual Cllrs under any circumstances.

In the event that the absence is the Clerk the office administrator will be responsible for managing Parish Council affairs as set out in his/her contract.

Cllrs can if required check any item of Parish Council equipment to ensure that it is not being misused this must be undertaken by those identified with line management authority within the staffing committee.

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<sup>i</sup> Local Government Act 1972, s112(1)

<sup>ii</sup> LGA 1972, s112(3)

<sup>iii</sup> LGA 1972, s151

<sup>iv</sup> LGA 1972, s.111

<sup>v</sup> LGA 1972 s.112(5)

<sup>vi</sup> Clerks Manual.

<sup>vii</sup> Clerks Manual.

<sup>viii</sup> Being a good employer

<sup>ix</sup> Clerks Contract

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