

Terms of Reference

Human Resources Committee

PREMISE

The purposes of the Bearsted Parish Council Human Resources Committee (the HR Committee) are:

- to ensure good governance of staff
- to meet legislative requirements
- to provide administration management in respect of employment of staff by the Parish Council
- to consider the training needs of councillors and staff
- to support the Clerk in matters of health and safety pertaining to staff members

GENERAL

The Committee shall comply with all relevant national legislation, BPC policies, protocols, systems and procedures including Standing Orders and Financial Regulations. No decision may be made by an individual, save where clearly delegated by Full Council. Scope for the HR Committee is limited to those areas set out below and for other specific issues agreed and minuted at Full Council.

The HR Committee's business shall comply with GDPR and relevant employment legislation. Guidance or direction from NALC/KALC for matters of HR shall be considered as best practice and followed wherever practicable.

Council as a whole is the legal employer of the Clerk and Administrative Assistant (or other members of staff as may from time to time be appointed).

The HR Committee shall act, for day-to day management, as line manager to the Clerk.

The Chair of The Council shall act as superior reporting officer and arbiter as required.

FINANCE

No recurring financial agreement will be entered into without recourse to Full Council: specifically, salary increases or permanent changes to staff contracts. Any additional delegation of responsibility shall be clearly minuted within BPC minutes and these TORs amended accordingly if such new delegation is to be enduring.

DELEGATIONS

The Council may delegate specific responsibilities to the HR Committee (within the scope of the LGA 1972 s101) but this shall exclude powers that cannot be delegated by the Council.

Under the leadership of the HR Committee Chair, or in their absence the Vice Chair, the HR Committee shall be accountable and responsible for the areas of BPC activity set out from paragraphs 14 to 38 (below) and shall have delegated authority to the limit of the budget set and agreed by Full Council to carry out these functions.

The Clerk, in agreement with the Chair, or in the absence or the Chair, the Vice Chair, may expend up to £750 to enable and progress matters of HR. This may not be done without such agreement.

Any amendment to these policies or guidelines shall require endorsement by Full Council.

STRATEGY

The HR Committee shall be responsible for enabling the Clerk to create a strategy and management structure to meet the needs of the Parish compliant with English Employment Law and best practice.

RECRUITMENT

The HR Committee has delegated responsibility for the selection and recruitment of the Clerk /RFO/Administration Assistant or other member of staff deemed by Full Council to be essential to the running of the Council. The Committee shall bring a motion to Full Council to ratify any appointment.

The committee shall work within the NALC / KALC policies or guidelines with delegated authority.

Setting of salary points must be ratified at Full Council.

All staff shall have the following checked and copies shall be retained in compliance with GDPR:

2 references

Certificates referred to in application

Proof of entitlement to work within the UK

DBS clearances shall only be required if Full Council determines that a member of staff must have unfettered access to vulnerable adults or children.

Potential Staff that declare a spent conviction will be treated as if this was not in evidence. Those that declare unspent convictions will be appointed under the delegated authority of the Committee upon the recommendation of the Clerk, using an appropriate risk assessment. Employment will not be denied unless significant just cause is recorded.

INDUCTION

The HR Committee is to be responsible for the induction to the Parish of the Clerk and will appoint a named individual to this task. The Committee is responsible for ensuring that the Clerk has provided appropriate induction to any new subordinate staff.

TRAINING

The HR Committee shall oversee appropriate policy, training and systems of work for all staff in relation to the work carried out by and for the Council.

The HR Committee will recommend to Full Council in November annually the budget required to meet at least the minimum training required by the staff group and any additional training that they consider desirable.

DISCIPLINE AND GRIEVANCE

Hearing and investigations shall use the KALC / NALC guidelines and assistance of KALC as required. Legal advice, if sought, must be followed unless decided otherwise by Full Council

The HR Committee shall delegate or co-opt 2 or 3 members to manage any grievances of members of staff, ensuring that the Code of Conduct is used as appropriate for allegations against Councillors.

The HR Committee shall delegate or co-opt 2 or 3 members to manage any grievance against members of staff.

Upon receipt of any complaint by the Parish in relation to the performance of the Clerk the Committee will appoint 2 or 3 members to assess the complaint and consider whether it is justified. They shall have the delegated authority to strike out any vexatious, unlawful or spurious complaint.

Investigators or managers shall present their findings to the remainder of the HR Committee (minus 2 people) within agreed timeframes. Recommendations for Full Council shall be determined.

Full Council shall agree or reject recommendations, which the HR Committee will enact: applying sanction or exonerating as appropriate and within the scope of procedure.

Staff members have a right of appeal to under procedures determined by Employment Law. Wherever possible appeals shall be heard by councillors not involved in an associated hearing or investigation, so far as is reasonable and practicable.

If during the course of a grievance, complaint or investigation it becomes apparent that an insurance claim is possible the HR Committee shall advise the insurers as required.

TERMS AND CONDITIONS (TACOS)

The HR Committee shall hold delegated authority to determine TACOS for all employed staff. Pay shall be in accordance with KALC and NALC guidance and local pay policy statements. Where a Pay Policy Statement varies from an individual's contract the individual contract will take precedence.

PERFORMANCE MANAGEMENT

The Committee will hold delegated responsibility for the appraisal of the Clerk. It will in turn delegate (to no more than 2 members) the duty of conducting at least one (annual) review of the Clerk.

These members will report back to the committee as appropriate and with reference to GDPR. A motion to Full Council to approve the appraisal will then be put forward.

Appraisals should be conducted at the end of the civic year or (if this is impossible) as soon as possible after the start of the civic year.

No other staff will be managed, directed or instructed by any Councillor or Committee member in recognition that the Clerk manages all staff within the Council.

The Clerk shall lead the appraisal of any subordinate staff in cooperation with the HR Committee.

SICKNESS AND ANNUAL LEAVE

The HR Committee shall receive and approve applications for annual leave for the Clerk. Requests shall not be refused unreasonably. The Committee shall inform Full Council of any absence of leave and shall make recommendations to Full Council under delegated authority should a locum be required to enable the smooth running of the Council.

The Chair, or in their absence the Vice Chair, will be the single point of contact in any cases of absence for sickness by the Clerk and will sign any medical certificate received.

Approved by Full Council

Signed Chair:

Date: