

Our Ref: MD

06 June 2012

To: All Members of the Personnel Committee
(Councillors Campbell (Committee Chairman), Constable, Drinkwater, Mrs Fisher and Isaacs)

Dear Councillor

PERSONNEL COMMITTEE

You are invited to attend a meeting of the Personnel Committee at the **Town Council's office, Lambourne House, Bridge Cross Road, Burntwood** on **Monday 11 June 2012, commencing at 9.30 a.m.** to consider the following business.

Yours sincerely

Mary Danby (Mrs)
Town Clerk

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

To receive declarations of any personal or prejudicial interest under consideration on the Agenda in accordance with the Parish Councils (Model Code of Conduct) Order 2007.

3. MINUTES

To approve as a correct record the Minutes of the Meeting of the Personnel Committee held on 18 April 2012 (Minute Nos. 19 - 29) (presented to the Town Council on 10 May 2012) (**ENCLOSURE NO. 1**).

4. AUTHORISED LEAVE POLICY AND PROCEDURE (DRAFT)

To consider the revised draft Authorised Leave Policy and Procedure with a view to recommending that the Town Council adopt and implement the Policy and Procedure at its next meeting (**ENCLOSURE NO. 2**).

5. STATEMENT OF POLICY ON THE LOCAL GOVERNMENT PENSION SCHEME (LGPS) 2008 (MINUTE NO. 27 REFERS)

Members will recall that the Town Council requested that a legal opinion be sought to confirm that the Town Council is adequately protected under the draft Statement of Policy on the LGPS 2008 Employing Authority Discretions (EAD's). (Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008 to formulate and keep under review a policy statement concerning the exercise of discretionary powers.)

A quotation has been obtained from a firm of solicitors who have a great deal of experience in pensions, including the Local Government Pension Scheme – they have quoted a cost of £750 plus VAT as appropriate to provide a legal opinion on the draft BTC LGPS EAD's.

Members are requested to consider whether the cost is justifiable and whether they wish to formally accept the quotation.

6. TOWN CLERK'S ANNUAL APPRAISAL

To agree a mutually convenient the date for the Town Clerk's Annual Appraisal to be undertaken.

7. EXCLUSION OF THE PRESS AND PUBLIC

The Chairman will move:

That under the Public Bodies (Admissions to Meeting) Act 1960 (Section 2) (and as expended by Section 100 of the Local Government Act 1972), the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

**8. STAFFORDSHIRE PENSION FUND:
LOCAL GOVERNMENT PENSION SCHEME (LGPS) ILL HEALTH LIABILITY
INSURANCE (ENCLOSURE NO. 3 (PINK))**

**MINUTES OF A MEETING OF THE PERSONNEL COMMITTEE
HELD AT LAMBOURNE HOUSE, BRIDGE CROSS ROAD, BURNTWOOD
ON WEDNESDAY 18 APRIL 2012 COMMENCING AT 4.00 P.M.**

PRESENT

Councillor Isaacs (in the Chair)
Councillors Drinkwater and Mrs Fisher

In attendance

Mrs Mary Danby, Town Clerk

19. APOLOGIES FOR ABSENCE

None, all Members present.

20. DECLARATIONS OF INTEREST

None declared.

21. MINUTES

RESOLVED That the Minutes of the Meeting of the Personnel Committee held on 16 January 2012 (Minute Nos. 12 – 16) be approved as a correct record.

22. AUTHORISED LEAVE POLICY (DRAFT) (Minute No. 15 refers)

RESOLVED That further revisions be made to the draft Authorised Leave Policy for Members approval prior to submission to the Town Council for formal approval.

23. SUPERVISION POLICY (DRAFT)

Members were requested to consider the draft Supervision Policy with a view to recommending that the Town Council adopt and implement the Policy at its next meeting.

RECOMMENDATION That the Town Council be requested to adopt and implement the draft Supervision Policy with immediate effect.

24. FLEXI-TIME SCHEME

Members had requested that the Flexi-Time Scheme (withdrawn in 2010) be put to them for reconsideration.

RESOLVED That the Flexi-Time Scheme remain withdrawn as it does not apply to the Council's current staffing structure.

25. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED That under the Public Bodies (Admissions to Meeting) Act 1960 (Section 2) (and as expended by Section 100 of the Local Government Act 1972), the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

26. FLEXIBLE RETIREMENT POLICY (DRAFT)

RESOLVED That this item be deferred to enable example policies from other town councils to be obtained for comparison purposes prior to agreeing the draft policy to be put to the Town Council for adoption and implementation.

27. STATEMENT OF POLICY ON THE LOCAL GOVERNMENT PENSION SCHEME (LGPS) 2008 - EMPLOYING AUTHORITY DISCRETIONS (DRAFT)

RECOMMENDATION That the draft Statement of Policy on the Local Government Pension Scheme (LGPS) 2008 - Employing Authority Discretions be approved by the Town Council at its next meeting.

28. CONFIDENTIAL MINUTES

RESOLVED That the Confidential Minutes of the Meeting of the Personnel Committee held on 16 January 2012 (Minute Nos. 17 – 18) be approved as a correct record subject to the inclusion of a statement with regard to permanent administrative staff being given first refusal on working additional hours.

29. STAFFING MATTERS

Members were informed that the Town Clerk had conducted annual appraisals with all the Council's employees and that these would be followed up with regular supervisory meetings commencing in June 2012.

RESOLVED That the information be received and noted.

(The meeting closed at 5.25 p.m.)

Signed

Date

ENCLOSURE 3

AUTHORISED LEAVE POLICY AND PROCEDURE (DRAFT)

1. INTRODUCTION

Authorised leave is taken by mutual agreement and with the approval of the Town Clerk*, and includes:

- Annual Leave
- Bank Holidays
- Time Off in Lieu (TOIL)
- Public Service Leave
- Jury Service

It is important that staff have a consistent understanding of the Council's arrangements for authorised leave, and that fair practices for managing leave are established.

- Clear reporting arrangements exist for time off work
- The prevention of the abuse of time off work
- The prevention of infringement of staff entitlements
- Minimal disruptions to Council services whilst employees are off work
- A flexible but consistent approach exists to deal with a variety of situations

The arrangements for Maternity, Paternity, Adoption, Dependents, Parental and Sick Leave are contained in separate Policy and Procedure documents.

1. PROCEDURE

1.1 Annual Leave

The annual leave year runs from 1st April to 31st March and leave is accrued on a pro rata basis each month. Employees may carry over a maximum of 5 days leave to the next annual leave year. In exceptional circumstances employees may request permission to carry forward more than 5 days but such requests will need to be authorised by the Personnel Committee.

Full-time employees are entitled to 21 days annual leave, with employees with 5 years or more continuous service entitled to 25[#] days (awarded from the annual leave year following their 5th year of service). Entitlements for part-time staff are calculated on a pro rata basis.

In addition to the above entitlements, employees are eligible for Bank Holidays or to take TOIL if required to work on these days, and again entitlements for part-time staff are calculated on a pro rata basis.

1.2 Leave Entitlement Calculations

To ensure that employees receive their correct entitlement, it must be calculated and recorded in **days** for full-time employees and in **hours** for all part-time employees.

(Contractual hours are those which the employee is contracted to work each week, as stated in their contract of employment, and working week means the *full* working week for a job or grade.)

When annual leave is planned and taken in blocks of one week or more, each week should be recorded as the full working week for the person (normally 37 hours for full-time employees).

The Town Clerk will calculate the pro rata entitlements for new employees and will also inform all staff of their entitlements at the beginning of each leave year, to ensure that service leave, etc is correctly applied.

The Town Clerk will be responsible for ensuring that the correct days or hours are recorded when an employee requests leave. The following examples provide some clarification of how leave should be calculated:

EXAMPLE 1 – Part-Time Employee working 20 hours per week not yet qualifying for Service Leave

20 hours \div 37 hours x 21 days annual entitlement = **11.5 days** (rounded up) per annum pro rata

So, 11.5 days x 7.4 hours per day = **85 hours** total annual leave entitlement

EXAMPLE 2 – Part-Time Employee working 18.5 hours per week and qualifying for Service Leave

18.5 hours \div 37 hours x 25 days annual entitlement = **12.5 days** per annum pro rata

So, 12.5 days x 7.4 hours per day = **92.5 hours** total annual leave entitlement

In both the examples above, 7.4 hours has been assumed as the normal working day for full-time staff.

1.3 Requesting and Recorded Annual Leave

All employees will be issued with an Annual Leave form by the Town Clerk at the start of each annual leave year, indicating their leave entitlement for the year plus any days (hours) carried forward from the previous year.

So that employees can plan other activities outside work they are encouraged to give at least one month's notice for any period of annual leave. Where this is not possible the following notice period is required:

- At least 1 week is required for annual leave of up to 1 week
- At least 1 month is required for annual leave of between 1 and 2 weeks

No more than 2 weeks holiday can be taken at any time without the express permission of the Personnel Committee. A minimum of 3 months notice is required for annual leave exceeding 2 weeks.

The dates requested should be written on the form. Individual dates should be recorded separately buy blocks of one week should be recorded using their start and end dates to indicate that every day in that period is requested.

The columns for the number of days **or** hours and the balance remaining should also be completed and the leave form should then be passed to the Town Clerk for authorisation.

Annual leave must not be taken until it has been approved and authorised in line with these guidelines.

3. BANK HOLIDAYS

All employees are entitled to a day off in lieu of Bank holidays whether or not their rota requires them to work on such days. TOIL for Bank Holidays must be taken within 4 weeks of being accrued.

NOTE: This paragraph is applicable to the Town Clerk only; all other employees (currently all part-time) are paid at basic rate through their salaries for all additional hours worked (including Bank Holidays).

| CONTRACT TYPE | TOTAL BANK HOLIDAYS | PAYMENTS (IF HOLIDAY WORKED) | TIME IN LIEU |
|----------------------|----------------------------|-------------------------------------|--------------------------------|
| Full-time | 8 days | None | Time in lieu 7.4 hours per day |
| Part-time | Pro rata | Time and a half | None |
| Casual | | Time and a half | None |

3.1 Recording Bank Holidays

Bank Holidays should be logged on the Annual Leave Request Form.

Employees of all faiths may take their officially recognised religious holidays as rest days, Bank Holidays or as part of their annual leave entitlement. This is subject to agreement from the Town Clerk via the leave form.

The Town Clerk must be notified of the employee's intention to take a religious holiday at least 4 weeks in advance. **Please note that only Statutory Bank Holidays are paid at time and a half.**

4. TIME OFF IN LIEU (TOIL)

TOIL is currently only accrued by the Town Clerk (any additional hours worked by all other employees (currently all part-time) is paid at basic rate through their salaries). TOIL must be agreed by the Chairman of the Council or the Leader of the Council and be recorded on the TOIL sheet.

In general, lieu time accrued for whatever reason should be taken within four weeks rather than accumulated into large blocks. If it becomes difficult for the hours to be taken in this period the Town Clerk should discuss the matter with either the

Chairman or Leader to agree either an extended period to enable the TOIL to be taken or an alternative arrangement.

5. SICKNESS DURING ANNUAL LEAVE

In the event of an employee falling sick during the period of their annual leave, they will be regarded as being on sick leave from the date of their medical certificate and their annual leave will be protected from that date. (See also: Sickness and Absence: Guidance for Employees (Adopted 16 July 2009).

6. PUBLIC SERVICE

Employees are allowed "reasonable" time off for public duties. This applies to employees who are:

- Justices of the Peace
- Members of a Local Authority
- Members of a Statutory Tribunal
- Members of a District or Regional Health Authority
- Members of the managing/governing body of an educational establishment
- Trade Union representative
- Professional body representative

Applications for such time off must be made in advance, in writing, to the Personnel Committee which has the discretion as to whether payment for time off work for public duties will be made.

7. JURY SERVICE

Where an employee is called for Jury Service, the Town Clerk must be advised immediately of the expected date(s) of absence.

Jury Service leave will be paid, but the employee will be expected to make an application to the Court for payment of the appropriate allowances and to forward the payment received to the Council as reimbursement for the salary received. Should the employee fail to do so, the Council will reserve the right to require the employee to take the leave as unpaid and to deduct the appropriate number of days salary from the next available salary payment.

The Council may be prepared to support an employee's request for exemption from duty, depending on their role.

8. RECORDING PROCEDURE

At the end of each month the Town Clerk must record all the categories of leave (sickness, TOIL, Jury Service, unpaid, etc). This record should be retained together with any self-certificate forms or GP certificates submitted by staff.

Annual leave requests should be recorded solely on the Annual Leave Request Form and these forms should be retained by the employees. The Town Clerk is responsible for reviewing these leave requests during the year to ensure that no one is accruing a large amount without good reasons.

Where it appears someone may be in danger of having a large amount of leave left at the end of the year, the Town Clerk should ensure that it is booked and taken in accordance with normal policy and procedure.

It is the Town Clerk's responsibility to ensure that leave requests are recorded accurately and the monthly Attendance form is completed correctly (with GP and self-certificate forms submitted as necessary) as this information will update the HR records and, where appropriate, salary changes should be made. These records are to be reported annually to the Personnel Committee.

NOTES:

*In the case of the Town Clerk, authority should be sought from the Chairman of the Council or in his/her absence the Leader of the Council.

#The current Town Clerk is contractually entitled to 27 days annual leave.