

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

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PERSONNEL COMMITTEE AGENDA

Notice is hereby given that a meeting of the **Personnel Committee** which will be held on **Wednesday 11 October 2023** commencing at **7.00pm** in the meeting room, **Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ** and your attendance at such meeting is hereby requested to transact the following business.

To: Committee members: Cllr S Brennan, Cllr R Craig (C) – ex officio, Cllr D Dannatt (VC), Cllr T Davies – ex officio, Cllr R Doy, Cllr P Key, Cllr S Morley, Cllr J Plastow, Cllr K Woolley

Agenda No	Agenda Item
Procedural items	
PC24/052	Apologies for Absence To note apologies for absence.
PC24/053	Declarations of Interest To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.
PC24/054	Dispensation Requests To consider any dispensation requests received by the Town Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.
PC24/055	Items for Exclusion of Public and Press To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.
PC24/056	Minutes of the Previous Meeting To receive the minutes of the previous Personnel Committee meeting and resolve to sign these as a true and accurate record. Paper A – Personnel Committee, Wednesday 13 September 2023
PC24/057	NJC Extra Statutory Days To consider the allocation of the two NJC extra statutory days over the Christmas period. Paper B
PC24/058	Sickness Absence Policy To consider and adopt a Sickness Absence Policy. Paper C
PC24/059	Matters Arising from last meeting To consider matters arising from PC24/046, PC24/047 and PC24/049 Exclusion of Public and Press recommended due to personal nature of

Agenda No	Agenda Item
	<p>discussion Paper D</p>
PC24/060	<p>Staff Structure Review To consider potential changes to the staffing structure. Exclusion of Public and Press recommended due to personal nature of discussion Paper E</p>
PC24/061	<p>2024 / 2025 Budget To consider budget requirements for 2024/25 for this Committee. The following specific budgetary areas are considered as part of the Committee's remit:</p> <ul style="list-style-type: none"> • Employee Costs
PC24/062	<p>Items for notification To receive any items for notification to be included on a future agenda (for information only)</p> <ul style="list-style-type: none"> • Staff Policy reviews • Electronic Information and Communication Systems Policy • Whistle Blowing and Confidential Reporting Policy • HR Management Software
PC24/063	<p>Time and date of next meeting To note the date and time of the next Personnel Committee meeting scheduled for Wednesday 8 November 2023 at 7.00pm.</p>

Rachel Allbones
Interim Town Clerk
Richmond House
Gainsborough

Wednesday, 04 October 2023

PAPER A



DRAFT Minutes of the Personnel Committee meeting

Wednesday 13 September 2023 at 7:00pm

held in the Reading Room, Richmond House, Richmond Park, Morton Terrace, Gainsborough

Councillors Present

		Stuart Morley
Richard Craig (Chairman) - ex officio	Richard Doy	James Plastow
Dennis Dannatt (Vice Chairman)	Paul Key	

Councillors Absent

Sean Brennan	Tim Davies - ex officio	
		Kenneth Woolley

In attendance:

Rachel Allbones (ITC & RFO)		
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Agenda no	Agenda item title	Decision	Action	Power
PC24/039	Apologies for absence To note apologies for absence.	The Committee noted apologies for absence from Cllrs Brennan, Davies and Woolley.	N/A	<i>Local Government Act 1972, s85 (1) & Sch 12, p40.</i>
PC24/040	Declarations of interest To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.	None received.	N/A	<i>Localism Act 2011, s31.</i>
PC24/041	Dispensation requests To consider any dispensation requests received by the Clerk in relation to personal and/or	None received.	N/A	<i>Localism Act 2011, s33.</i>

Agenda no	Agenda item title	Decision	Action	Power
	disclosable pecuniary interests, not previously recorded.			
PC24/042	<p>Items for Exclusion of Public and Press To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.</p>	The Committee resolved to exclude the public and press from item PC24/044 to PC24/049.	N/A	<i>Public Bodies (Admissions to Meetings) Act 1960 1 (2)</i>
PC24/043	<p>Minutes of the previous meeting(s) To receive the minutes of the previous Personnel Committee meeting(s) and resolve to sign these as a true record of the meeting(s). Paper A – Personnel Committee Tuesday 8 August 2023</p>	<p>The Committee resolved to sign the minutes of the meeting Tuesday 8 August 2023 as a true record of that meeting.</p> <p>Cllrs Craig and Plastow abstained.</p>	ASO to publish.	<i>Local Government Act 1972, Sch 12, p41 (1).</i>
PC24/044	<p>Staff sickness, absence and leave report To receive the sickness absence and holiday report and consider any potential action required. Exclusion of Public and Press recommended due to personal nature of discussion Paper B</p>	The Committee resolved to note the sickness absence and holiday report and agree quarterly reports to be presented.	ITC to produce further report in December.	

Agenda no	Agenda item title	Decision	Action	Power
PC24/045	Staffing Report To receive and note report on staffing HR. Exclusion of Public and Press recommended due to personal nature of discussion Paper C	The Committee resolved to note the report on staffing HR.	N/A	
PC24/046	Staff Management Matter To consider a verbal update on a staff performance management matter. Exclusion of Public and Press recommended due to personal nature of discussion Paper D – Report from July 2023 meeting.	The Committee resolved to ask the HR Advisor if they will speak to the staff member on the matter.	ITC to contact the HR Advisor.	
PC24/047	Personal Injury Claim To receive update regarding personal injury claim. Exclusion of Public and Press recommended due to personal nature of discussion Paper E	The Committee noted the update.	N/A	
PC24/048	Staff Structure To consider report regarding staff structure. Exclusion of Public and Press recommended due to personal nature of discussion Paper F deferred from PC24/023	The Committee resolved to not support the request for a restructure at the time.	N/A	

Agenda no	Agenda item title	Decision	Action	Power
PC24/049	<p>Temporary Deputy Clerk – Staff structure consideration</p> <p>To give consideration to FC24/075 resolution - 9) During the 6-month trial period, the Personnel Committee will also consider recruiting for the role of temporary Deputy Clerk, to support the Interim Town Clerk/RFO and Council.</p> <p>Exclusion of Public and Press recommended due to personal nature of discussion</p>	<p>The Committee resolved to approach the Operations Manager to see if they will temporarily be the Deputy Clerk in the day-to-day duties in the Town Clerk's absence until the structure is set and any recruitment undertaken.</p> <p>A recoded vote for the above was taken as follows: - For: Cllrs Craig, Dannatt, Doy, Morley, Plastow Against: Cllr Key</p>	<p>ITC to contact the HR Advisor, subject to advice, speak with the OM.</p>	
PC24/050	<p>Items for notification</p> <p>To receive any items for notification to be included on a future agenda – for information only.</p>	<ul style="list-style-type: none"> • Staff Policy reviews • Sickness Absence Policy • Electronic Information and Communication Systems Policy 	<p>ITC to include on future agendas.</p>	N/A
PC24/051	<p>Time and date of next meeting</p> <p>To note the date and time of the next Personnel Committee meeting scheduled for Wednesday 11 October 2023 at 7.00pm.</p>	<p>The Committee noted the date and time of the next Personnel Committee meeting scheduled for Wednesday 11 October 2023 at 7.00pm.</p>	N/A	<p><i>Local Government Act 1972, Sch 12, p10 (2)(a)</i></p>

The meeting closed at 8.25pm.

Signed as a true record of the Meeting: _____ Dated _____
Presiding chairman of approving meeting

Initialed: _____

PAPER B

**Officer Report to the
Personnel Committee**

Report Author: Rachel Allbones
Report Date: 03.10.2023



Gainsborough
TOWN COUNCIL

Extra Statutory Days

1. Summary

The Committee is asked to approve the two extra statutory days over the Christmas period.

2. Background

The Council's employees contracts state: In addition to normal bank and public holidays, you will be entitled to two extra statutory days to be taken at the direction of the Council.

These days are commonly allocated over the Christmas period. All employees would be on leave at the same time and the office will be closed.

This year the holidays will be as follows:

- Monday 25 December 2023 Christmas Day
- Tuesday 26 December 2023 Boxing Day
- Monday 1 January 2024 New Year's Day

3. Proposal

Days proposed: which would see the office closed, Wednesday 27 December 2023 and Friday 29 December 2023. This means a member of office will be available to take calls / emails between 9am – 3pm on Thursday 28 December between Christmas and New Year.

4. Recommendation

To set the two occasional days as Wednesday 27 December 2023 and Friday 29 December 2023.

PAPER C

Sickness Absence Policy

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Document History

Adopted by Council – 7 November 2023

Reviewed & Adopted -

Reviewed & Adopted –

Gainsborough Town Council is committed to maintaining the health, well-being and attendance of all its employees.

The Town Council's sickness absence policy is based on the following principles:

- It undertakes to provide reasonable payments to employees who are unable to work due to sickness.
- It will respect the confidentiality of all information relating to an employee's sickness and information will be held in line with all data protection legislation.

Regular, punctual attendance is an implied term of every employee's contract of employment and the Town Council asks each employee to take responsibility for maintaining good attendance and reporting absence according to the procedures set out in this policy.

1. Purpose and Scope

The purpose of this policy is to ensure that the operational efficiency of the Council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security and support to employees during periods of ill health.

2. Procedure

2.1 Absence Reporting

An employee must report their absence from work owing to illness to their line manager by telephone as early as possible and no later than one hour after they are due to commence their working day on which the absence first occurs. If your line manager is unavailable, you should call the Town Council switchboard. Your line manager must be briefed on your current workload and any urgent matters that may require attention. If possible, you should give an indication of how long you expect to be absent so that arrangements can be made for cover if required. If the Town Clerk is unable to attend work, he / she should contact the Chairman of the Personnel Committee or the Chairman of the Council and his / her deputy.

2.2 Certification

If the absence is for a period of less than 7 days, employees must complete a self-certification form on their return to work. For periods over 7 days a medical Statement of Fitness for Work (fit note) from a GP (or relevant medical establishment) is required.

It is the responsibility of each employee to keep their line manager advised of the circumstances that are preventing them from attending work, of their likely return date, action being taken to mitigate the effect of the illness (e.g. GP / medical appointments) and contact details in case of work-related queries.

Where the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery, organ donation, then sickness absence leave and pay will be entirely at the Council's discretion and employees are strongly advised to discuss such circumstances, in confidence, with the Town Clerk (or the Chairman of the Personnel Committee or the Chairman of the Council) in advance of such a procedure.

Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct. The Town Council reserves the right to make welfare visits to the home of employees whilst they are on sick leave.

2.3 Return to Work

Staff members must undertake a “return to work” meeting with their line manager on their day of returning to work after any period of absence. This practice is to ensure that staff members are fit to work; agree a phased return to work (where appropriate); receive work related updates and prioritise workload. In the case of the Town Clerk, he / she will meet with the Chairman of the Personnel Committee and the Chairman of the Council at the earliest opportunity.

2.4 Sent Home

If while an employee is at work they decide that they are unwell and need to go home, for health and safety purposes they must inform their line manager before they leave the building. The employee will need to discuss with their line manager of any urgent matters requiring attention.

2.5 Medical, Dental, Hearing or Optician Appointments

Where possible medical appointments should be made outside of working hours. If this cannot be arranged they should disrupt the working schedule as little as possible, e.g. made early or late in the day. Employees will be required to make up the time to cover such absences or take it as unpaid leave.

Where attendance for a medical or hospital appointment necessitates a complete day's absence from work, this will be treated as sick leave (unless annual leave is utilised) and the procedure for self-certification should be followed.

An exception to the above is where an employee is due to have parental responsibility is taking time off to attend an antenatal appointment, as per the Council's Maternity, Paternity & Adoption Leave Policy.

2.6 Use of Leave

The Council recognises that some employees may wish to choose to take annual leave or allocate time off in lieu (TOIL) on days or periods where they are ill. This must be discussed with the employee's line manager, who will consider the request. The use of annual leave instead of sick leave is however discouraged, as it may mask any underlying health problems and is not the most beneficial use of an employee's annual leave which is intended to ensure employees take adequate rest periods from work throughout the year.

There may be occasions where it is possible for an employee to work from home despite not being fit enough to attend work, an example may be post-operation/ injury recovery or in the circumstances of contagious illnesses, that physically means they cannot attend the workplace but may still be able to carry out work functions from home. The employee's line manager will be able to discuss with the employee whether or not working from home will be possible and arrangements for this.

The principle consideration when making this decision will be the employee's wellbeing.

3. Sickness Payment

Sick pay will be paid in accordance with the employee's length of service as outlined in their contract of employment.

Statutory Sick Pay will be paid where applicable at the current rate.

The Town Council reserves the right to require an employee at any time to submit to a medical examination by a medical practitioner nominated by the Town Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Town Council.

Whilst on absence due to sickness or incapacity or for any other reason under this policy, the employee is not permitted to undertake any paid work for another employer or for any business established by the employee without express permission from the Town Clerk. In the case of the Town Clerk, permission will need to be sought from the Mayor and Chair of Personnel and this shall be reported back to the Personnel Committee at the next available time.

The scale of sickness payment is set out in all employee's contracts of employment, subject to meeting the conditions of the scheme.

4. Long Term or Frequent Short Term Absence Procedure

This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. Discussions and investigations will review the employee's capability or capacity to undertake their work. The aim is to ensure fair treatment for all.

The procedure is non-contractual and does not form part of the terms and conditions of employment with the Council. The procedure may be amended from time to time.

4.1 Principles

- a) Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Council and the impact of the absence on others.
- b) The Town Clerk (or, in the case of the Town Clerk, the Chairman of the Personnel Committee or the Chairman of the Council) will maintain weekly contact during the period of sickness absence.
- c) A full review, normally including medical reports, may be undertaken in each case.
- d) All periods of sickness absence (after the first seven days self-certification period) must be certificated by a medical practitioner ("fit note") and in some cases the employer may request certification for periods of absence of less than seven days, in which case it will pay the appropriate fee to the medical practitioner issuing the certificate.
- e) The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.
- f) The employee will be advised if their employment may be at risk (where appropriate).
- g) Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.
- h) Where possible, appropriate assistance will be provided to help the employee to return to work.
- i) In cases of long-term ill health, the Town Council will, where possible, hold employment open for up to two years.
- j) In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the Council will consider:
 - any representations from an employee, including additional medical information.
 - the employee's length of service.
 - the employee's most recent health situation and the likelihood of an

improvement in attendance.

- whether it is possible to hold the job open for longer and the effect of past and future absences on the Council.
 - the availability of suitable alternative work or working hours.
 - any other reasonable adjustments which could be reasonably expected to facilitate the return.
 - the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken.
- k) The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.
- l) At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.
- m) Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to stage 3 of the procedure, but not before the employee's sick pay has expired.
- n) Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the disciplinary procedure.

4.2 Informal Meeting

Absence levels will generally start to be of concern to the Town Clerk (or, in the case of the Town Clerk, the Chairman of the Personnel Committee or the Chairman of the Council) at the following trigger points:

- 5 periods of absences in a 12-week period. An absence could be a whole day or a part there of.
- 4 or more weeks continuously off sick.

Where this is the case, the Town Clerk (or, in the case of the Town Clerk, the Chairman of the Personnel Committee or the Chairman of the Council) will discuss absence levels with the employee. This will also include the employees return to work interviews with their line manager.

The aim will be to encourage the employee to understand the Town Clerk's concerns and to agree ways, if possible, of improving the situation. If the employee has been off sick continuously, or it there appears to be an underlying health problem, the Council shall have the right at any time to require the employee to submit to examination by an independent medical practitioner selected by the Council, to obtain a confidential report on the employees condition from such practitioner and to discuss with such practitioner the findings of his/her examination and his/her prognosis of the employees likely recovery and or fitness to resume work and any recommended treatment

4.3 The Procedure

a) Stage One: **First Formal Meeting**

A first formal meeting will be arranged where:

- in the case of long-term sickness absence, there is no clear date of return.
- in the case of frequent short term sickness absence, there has been no improvement in the weeks after the informal meeting.

The Town Clerk will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. He or she will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may normally be reviewed to assess whether there is any underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting.

There will be a discussion on ways to assist the employee to return to work, where appropriate.

Unless there is a clear date for return (e.g., in the case of a broken limb), the Town Clerk should advise the employee that employment cannot be held open indefinitely and will state that there will normally be two further meetings, after which the employee's contract may need to be terminated on grounds of their sickness record. The Council will also consider the Capability Policy contained in the Staff Handbook.

The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

b) Stage Two: Second Formal Meeting

The employee will be informed in advance of the meeting in writing and advised that he / she may be accompanied by a colleague or trade union representative. At the meeting the employee's absence will be reviewed. Medical reports will be reviewed again where appropriate.

An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting.

If at the second formal meeting, the employee's absence is still a cause for concern, the Chairman of the Personnel Committee should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of their sickness record. The Council will also consider the Capability Policy contained in the Staff Handbook.

The issues discussed at the meeting will be recorded and a date set for a third formal meeting.

c) Stage Three: Third Formal Meeting

The employee will be informed of the meeting in writing and advised of his / her right to be accompanied by a colleague or trade union representative. The meeting will be held with the Town Clerk, Chairman of the Personnel Committee and the Chairman of the Council. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state his / her point of view, which will be fully considered.

Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for his or her views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought.

If absence levels have not reduced at this stage and if the Personnel Committee believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds of their sickness record. The Council will also consider the Capability Policy contained in the Staff Handbook. Before taking this step, the Personnel

Committee must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work.

If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of his / her contract, the date on which the contract will terminate, and details of the right of appeal.

d) Appeal

If the employee wishes to appeal against the decision to terminate employment, he / she should write to the Town Clerk (or, in the case of the Town Clerk, the Chairman of the Council), giving reasons for the appeal.

The Appeal panel will be appointed by the Personnel Committee.

This appeal must be made within ten working days of the date of the letter confirming termination of employment.

The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay.

The employee will be given the opportunity to state his or her point of view at the meeting.

The termination date of employment may be delayed for the appeal hearing to take place.

The Appeal panel's decision will be final.

PAPER D

PAPER E