

# COUNCILLOR ON LINE TRAINING

THE COUNCIL AS AN EMPLOYER



# WHAT IS AVAILABLE?

The on-line training materials have been prepared to assist you in developing your information and knowledge base as a Councillor.

The materials cover 7 distinct subject areas of which 'The Council as an Employer' is one. The other materials cover Induction, the Code of Conduct, Understanding the Law, Local Government Finance, Health and Safety and Diversity and Inclusion.

# LET'S GET STARTED

This module is about the 'The Council as an Employer' and it covers the following key elements:-

- ▶ Contracts of employment
- ▶ Recruitment and selection of staff
- ▶ Discipline, capability, grievances and appeals
- ▶ Basic Health and Safety
- ▶ Training and Development of staff
- ▶ Performance Management

# PURPOSE OF THE MODULE

To support you in:-

- ▶ Establishing and maintaining an effective framework for staff
- ▶ Finding, retaining and developing staff
- ▶ Harnessing the skills of staff to help your Council in achieving its objectives in serving your community or town.

# THE EMPLOYMENT CONTRACT

- ▶ All new staff must be issued with a contract of employment within 2 months of their start date
- ▶ It must embrace the employment legislation and be kept up to date
- ▶ It should contain **explicit** terms such as job title, hours of work, pension arrangements and notice periods
- ▶ **Implied** terms are a feature of the employment relationship and are not written in to the contract but are understood to exist e.g. duty of mutual trust and confidence/to be honest and respectful.

# IMPLIED TERMS

- ▶ The employment relationship should be constructive and mutually rewarding
- ▶ Specifically, the Council and the employee should maintain trust and confidence through cooperation, act in good faith towards each other and take care to ensure health and safety in the workplace

# THE JOB DESCRIPTION

Every job should have one. It should:-

- ▶ Contain a short description of the purpose of the job and outline key duties and responsibilities making clear what contribution is required of the employee
- ▶ Include a description of the scope of the job and identify outcomes to be achieved by the job holder
- ▶ Describe the main tasks involved – when defining the tasks it is a good idea to use active verbs such as ‘writing,’ ‘preparing,’ and ‘delivering.’

# THE PERSON SPECIFICATION

- ▶ This important document links directly to the job description
- ▶ It helps the Council to be clear about what the job involves and the type of person it should seek to recruit
- ▶ It describes the competencies that are necessary as well as personal attributes such as ability to work as part of a team
- ▶ Each competency and attribute should be assessed as to whether it is essential or desirable
- ▶ Regard must be given to equality ensuring that any form of unlawful discrimination is avoided

# MANAGING PERFORMANCE

A well thought out job description and person specification are essential for recruitment purposes but they can also provide a benchmark for monitoring the performance of employees and helping them to continually develop their contribution to the Council.

Highlighting the aptitudes, skills and knowledge (ASK) needed for the role is one of the key areas for employee development. An annual performance review of employees is recommended and Councils should consider introducing an employee appraisal scheme. ACAS provides guidance for employers – Web Link :

[http://www.acas.org.uk/media/pdf/7/t/B07\\_1\\_1.pdf](http://www.acas.org.uk/media/pdf/7/t/B07_1_1.pdf)

# TRAINING AND DEVELOPMENT

Community and Town Councils operate in a changing environment with an increased emphasis on creating partnerships with other organisations to promote local democracy and represent the interests of their community. In this changing world new challenges face the Council and its employees alike. It is important that training and development has a prominent place in preparing everyone to address these challenges.

# TRAINING AND DEVELOPMENT – THE HOW

- ▶ Meeting training needs is not just about attending courses even though this is important in itself (Important to have an annual training budget and make use of the bursary scheme for smaller councils)
- ▶ Formal qualifications e.g. The Certificate in Local Council Administration known as CiLCA)
- ▶ Also valuable is joining networks of other organisations and meeting people facing similar challenges e.g. Society of Local Council Clerks and One Voice Wales
- ▶ Reading materials
- ▶ Council Planning Sessions
- ▶ Performance Appraisal of employees

# IT CAN GO WRONG!

When things go wrong it is essential that the Council has in place discipline, capability and grievance procedures in to ensure that issues are dealt with effectively and in line with employment legislation. Behind most discipline and grievance situations, there is often a legacy of poor management and monitoring and lost opportunities to address the situation at an earlier and less critical stage. The Council should be proactive, manage employees actively and fairly and there then every chance that the need for recourse to formal action might never be needed. The ACAS Code of Practice on Discipline and Grievance can be access from the following web-link:-  
[http://www.acas.org.uk/media/pdf/p/f/11287\\_CoP1\\_Disciplinary\\_Procedures\\_v1\\_Accessible.pdf](http://www.acas.org.uk/media/pdf/p/f/11287_CoP1_Disciplinary_Procedures_v1_Accessible.pdf)

# THE DISCIPLINARY PROCESS

The key steps involved are:-

- ▶ Try to resolve issues informally where possible
- ▶ Have procedures in place that comply with the ACAS Code of Practice
- ▶ Establish the facts first and act consistently, reasonably and promptly throughout the process (The Investigation)
- ▶ Consider the involvement of a third party where mediation is seen as appropriate
- ▶ Employee has right to be accompanied and to appeal against any disciplinary sanction.

# ENDING THE EMPLOYMENT RELATIONSHIP

Potentially lawful reasons for ending employment are:-

- ▶ Capability (an employee's ability to do the job)
- ▶ Conduct (an employee's behaviour)
- ▶ Contravention of an Enactment (continued employment would contravene the law)
- ▶ Redundancy
- ▶ Some other substantial reason (depends on circumstances and professional advice should be sought)

And of course, an employee can resign

# THE GRIEVANCE PROCESS

The Council must follow a procedure that complies with the ACAS Code of Practice. The key steps are:-

Step 1 – Employee writes to the employer to express the grievance

Step 2 – A meeting is held and the employee is notified of the decision

Step 3 – The employee is given the right to appeal against the decision and then is issued with a final decision.

# HEALTH, SAFETY AND WELFARE

- ▶ It is a general duty for employers to look after the health, safety and welfare of all people at work
- ▶ Large and important body of law in place (e.g. relating to fire safety, manual handling and working with display screen equipment)
- ▶ Principle of risk assessment – requirement to undertake risk assessments of all aspects of work to ensure risks are identified and properly managed to reduce scope for accidents

The Health and Safety Executive website is a very useful information source - <http://www.hse.gov.uk/>

# OLDER WORKERS

- ▶ There is no longer a default retirement age
- ▶ Individuals choose when to retire
- ▶ Phased retirement can be requested by older workers
- ▶ Research shows that most older workers know when they are ready to retire
- ▶ If capability issues are relevant they should be dealt with in line with the Council's capability procedures

# PENSIONS

- ▶ Many Councils operate the Local Government Pension Scheme
- ▶ Auto enrolment is now a requirement for certain employees known as eligible jobholders and different arrangements apply to what are known as 'non-eligible' and 'entitled' workers

Further information can be obtained from the website of the Pensions Regulator : <https://www.thepensionsregulator.gov.uk/en>

# TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS 2006

- ▶ Known as TUPE
- ▶ Amended under the 'Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2013
- ▶ The broad effect of TUPE is to preserve the continuity and terms and conditions of employment of employees who are transferred to a new employer
- ▶ Obligations apply to the transferring employer as well as the receiving employer
- ▶ Care needs to be taken if responsibilities are devolved from the unitary authority as TUPE may apply.

# MAKING A DIFFERENCE

Finding, recruiting, managing and developing people within a coherent framework is most likely to provide a rewarding environment for employees and result in the Council exceeding its expectations

# NOW TEST YOURSELF

Try to answer the following :-

- 1) Within what time period should a written contract of employment be issued to new employees?
- 2) Explain the difference between explicit and implied terms within a contract.
- 3) What should be included in a person specification?
- 4) What are the key steps involved in dealing with an employee grievance?
- 5) Why is risk assessment an important feature of managing health and safety?

# WHAT NEXT?

Now that you have a basic understanding of the Council's role as an Employer, you are strongly recommended to ask your Council to provide you with the opportunity to attend a training course on this subject.

The training offered by One Voice Wales is interactive and explores all elements of the Employer role in the depth that you would expect from your representative body. It will also give you the opportunity to engage with other Councillors enabling you to share experiences and learn from your peer group.