

# CONTRACT OF EMPLOYMENT AND JOB DESCRIPTION

## PUXTON PARISH COUNCIL and

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### PART TIME POSTS OF PARISH CLERK AND RESPONSIBLE FINANCE OFFICER

#### 1. Introduction

- (1) This statement sets out particulars of your terms and conditions of employment with Puxton Parish Council, which are required to be given to you by law.
- (2) Your employment commenced on .....<sup>th</sup> ..... 20...
- (3) The National Agreement on Pay and Conditions of Service of the National Joint Council (“the NJC”) for Local Government Services (the ‘Green Book’) applies to your employment save as amended by this contract.

#### 2. Previous Service

Your employment with any other public employer as set out in the NJC agreement will be considered as part of a continuous period of employment with the Council for the purposes of your contract of employment.

#### 3. Job Title

- (1) The title of the job for which you are employed is Clerk and Responsible Finance Officer to Puxton Parish Council. The Council has employed you under the provisions of section 112 (1) and (2) of the Local Government Act 1972. The duties of the post are set out in the job description attached to this contract as Appendix 1.
- (2) The Council may from time to time wish to amend your job description and you may at any time be requested to undertake other duties as necessary to meet the requirements of the Council.

#### 4. Declaration of Other Employment

It is a condition of this Contract of Employment that you inform the Council of any alternative employment you undertake, in order to ensure that no tax or insurance liabilities will accrue to the Council. The Council also reserves the right to require that any other employment that you undertake does not conflict with the role or standards required to be undertaken or met in the public office of the Clerk and Responsible Finance Officer to the Council.

#### 5. Place of Work

Your usual place of work is your home address.

#### 6. Salary

- (1) Your salary will be set at £..... per hour.
- (2) Your salary will be paid monthly by cheque or an agreed electronic process.

#### 7. Expenses

Those expenses that form the minimal basis of recompense to you are outlined at Appendix 2 as attached. Reimbursements thereby shown to be due will be paid monthly by cheque or an agreed electronic process.

#### 8. Hours of Work

- (1) You will work 240 hours per year (pro rata 20 hours per month and will manage your application of that time in accordance with the demands of Council work as it arises).
- (2) Exceptional additional hours required to be worked must be approved by the Council and will be paid at the same pro-rata rate as normal hours.

#### 9. Annual Leave

- (1) The calculation of your annual leave commences from the first day of your employment. You are entitled to 35 hours leave in a full leave year (including bank holidays and two extra-statutory days). The leave year runs from 1st April to 31st March.
- (2) If your employment commenced or terminates part way through the leave year, your holidays during that year will be assessed on a pro rata basis. Deductions from final salary due to you on termination of employment will be made in respect of any leave taken in excess of entitlement.
- (3) Leave must be taken at times agreed with two members of the Parish Council to include either the

Chairman or Vice-Chairman. By mutual agreement no more than five hours' leave may be carried forward to the next leave year.

**10. Sickness Absence**

- (1) If you are absent from work on account of sickness or injury, you or someone on your behalf should inform the Council of the reason for your absence as soon as possible, but no later than the end of the working day on which the absence first occurs.
- (2) In respect of absence lasting up to seven calendar days, you are required to inform the Chairman/ Vice-Chairman and self-certificate your absence.
- (3) In respect of absence relating to illness lasting more than seven calendar days, you must provide a medical certificate stating the reason for the absence and thereafter provide a consecutive medical certificate to cover any subsequent period of absence.

**11 Insurance**

The Council agrees to indemnify you via its own insurance, for both Employers and Public Liability Insurance in relation to your working from your own premises as at 5. above.

**12. Notice of Termination of Employment**

Either party may terminate the contract of employment by giving one week's notice in writing.

**13. Grievance and Discipline – Dispute Resolution**

- (1) **Conciliation and Mediation:** Before resorting to formal procedures from the employee or from the Council it is the policy of the Council that discussions between both parties should be entered into with the express purpose of resolving the matter through a process of mediation seeking conciliation. Where necessary the Council will seek the services of an external expert to forward this process to reach a conclusion satisfactory to both parties in the dispute.
- (2) **Redress of Grievance:** You must apply in writing to the Chairman of the Council for redress of any grievance relating to your employment and/or any disciplinary decision applied to you. The Chairman shall report your application to a Grievance Panel meeting of the Council, held in the absence of the public and the press. You will have an opportunity to set out your grievance. The grievance will then be considered and a decision reached by the Panel. Should you be dissatisfied with the Panel's decision you have the right to make an appeal to the Appeals Panel of the Council. Under the provisions of the 1999 Employment Relations Act s.10 you have the right to have a representative of your choice present at any Grievance or Disciplinary hearing.
- (3) **Disciplinary Rules:** Before any disciplinary action is taken by the Council, a notice in writing giving details of the matter, either signed by the Chairman and authorised by the Council, or your line manager in accordance with their delegated responsibilities, shall be given to you. You (together with an adviser if you wish) will have a full opportunity to answer the complaint at a meeting of the Council's Disciplinary Panel held in the absence of the public and the press. Should you be dissatisfied with the Panel's decision you have the right to make an appeal to the Appeals Panel of the Council.
- (4) A copy of the Discipline and Grievance Policy and all other policies of the Council are contained in the documentation given to you.

**14. Health and Safety Regulations, Other Legislation & Council Policies**

You are expected to familiarise yourself with all relevant Regulations, Legislation and Policies applying to or made by the Council and ensure that you comply with and ensure others comply with these as required.

**15. Indemnity**

The Council undertakes to indemnify its officers against any actions of commission or omission that are made in good faith on behalf of the Council.

Signed: ..... Dated: .....

**Chair of the Parish Council**

Signed: ..... Dated: .....

**Parish Clerk and Responsible Finance Officer**

**PUXTON PARISH COUNCIL**

**JOB DESCRIPTION – PARISH CLERK and RESPONSIBLE FINANCIAL OFFICER**

1. To ensure that legal, statutory and other provisions governing or affecting the running of the Council are observed, including but not confined to –
  - Full compliance with the Local Government Act 1972 and all subsequent legislation.
  - Maintenance of records of members' interests and provision of details thereof to the District Monitoring Officer.
  - To provide appropriate responses to members of the public making requests under the terms of the Freedom of Information Act, including complying with the requirements of the Data Protection Act.
2. To prepare, in consultation with appropriate members, agendas for meetings of the Council and its Committees and the Parish Assembly; to attend such meetings and prepare minutes for approval; to post notices of all meetings and other relevant documents on the parish notice boards as necessary; to issue summonses to Council/Committee Members required to attend meetings of the Council/Committees; to implement Council decisions.
3. To maintain, monitor and balance the Council's accounts and prepare records for audit, tax, NI and VAT purposes as necessary.
4. To receive and report on invoices for goods and services to be paid by the Council. To issue invoices on behalf of the Council and to ensure payment is received.
5. To ensure that the Council's insurance obligations are properly met.
6. To receive correspondence and documents on behalf of the Council and to deal promptly and appropriately with correspondence and documents including bringing relevant items to the attention of the Council.
7. To maintain an awareness of all the activities of the Council and its Committees. To prepare both on his/her own initiative and as a result of suggestions by Councillors, proposals for consideration by the Council and to advise on practicability and likely effects of specific courses of action.
8. To supervise direct employees of the Council as their line manager in keeping with the policies of the Council and to arrange for payment of salaries/expenses and deductions of tax and NI. To ensure that the conditions of employment are being fulfilled.
9. To monitor the approved policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
10. To prepare specifications and invite tenders from contractors for works to be carried out on behalf of the Council. To report to the Council on tenders received and place instructions as directed by the Council. To ensure that the contract works are carried out in accordance with the specification.
11. To maintain the Council's records and to make provision for the safe-keeping in secure but accessible custody of all deeds, plans, records, letters, writings and other documents of or concerning the Council which shall come into the hands of the Clerk.
12. To manage the parish cemetery and maintain all associated records, including the cemetery database.
13. To manage the Council's website, ensuring that it is kept up to date and that all agendas, minutes and other documents are published on it in a timely fashion.
14. To manage the parish office, if one is established, keeping it open at hours agreed by the Council, to provide a one-stop service point for members of the public requiring information on local authority services.
15. To act as a representative of the Council, including attending meetings and conferences as may be necessary for the proper discharge of the duties of the Clerk or as the Council may reasonably require, and to liaise with groups and organisations in the village including parishioners.
16. To attend training courses and conferences as required by the Council and as appropriate to further the knowledge and experience of the Clerk.
17. To continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the Council.
18. To maintain an awareness of, and actively pursue external sources of funding for Council projects.
19. To provide administrative support to other village organisations where considered appropriate.
20. To undertake other tasks that arise that could reasonably be considered as part of the Clerk's duties.

## PUXTON PARISH COUNCIL

### EXPENSES PROVISIONS FOR THE CLERK / RESPONSIBLE FINANCIAL OFFICER

*The expense provisions below reflect GOV.UK guidance.*

#### Home-working Expenses

*In accordance with “Gov.UK:Expenses and Benefits: Home-working Guidance”, an employer can cover the cost of additional household expenses for an employee who works from home, and does not have to report or pay anything if that employee needs, or is contracted, to work from home. The per month limit of such additional household expenses between the tax years from April 2012 to March 2016 is:*

**£18.00 per month**

#### Car Mileage

*An employer can make Mileage Allowance Payments (MAPs) to an employee for using their own vehicle for business journeys without having to report them to HMRC. The current ‘approved amount’ for such payments up 10000 business miles per annum is £0.45p per mile.*

The Clerk has to travel from his “home office” (a 10 mile round trip) for monthly meetings at the Village Hall, and for occasional site visits within the parish. At minimum, this equates to 170 miles per year at a reimbursable £75.60, which is:

**£6.30 per month**

#### Equipment, services and supplies

*If an employer provides equipment, services and supplies, against an invoice, to an employee who works from home and earns pro-rata more than £8500 per year, they don’t have to report or pay anything to HMRC provided the equipment, services and supplies are only used for business purposes and/or any private use is insignificant.*

Puxton Parish Council provides the Clerk with a laptop computer.

Other than that, the Clerk has his own office machinery, and, so much communication being paperless, it is estimated that the Clerk will print some 1000 single-sheets of paper per year at the cost of 12p per copy. This is a reimbursable cost of £120 per year, which is

**£10 per month**

Should the Council at some stage purchase more of its own equipment for exclusively Council work, then supplies for that equipment will either be purchased by the Council or, if purchased for that equipment by the Clerk, will be reimbursed against invoices under arrangements to be agreed.

**The annual payments for home-working expenses, car use, equipment use and supplies total £411.60 .**

**The Council will reimburse this to the Clerk at the rate of £34.30 per calendar month (or pro rata) to be paid by cheque or an agreed electronic process.**

**PUXTON PARISH COUNCIL STAFF APPRAISAL**  
*Guided Narrative Tool (GNT)*

*Employee Name:*  
*Appraiser:*

*Position & Title:*  
*Appraiser's Position:*

**CLERK & RFO**

*Appraisal Period: TO ..... 20.....*

Take time to re-visit the goals that were set for the performance appraisal period. Did the employee meet these goals? If so, provide a brief summary outlining how the goals were met. If not, consider and summarise the reasons why they were not met.

**Step 1**

Compare the employee's job description with the tasks the employee performs on a day-to-day basis. Do the two coincide? Are there differences that should be accounted for?

**Step 2**

Summarise the employee's strengths and accomplishments during the appraisal period.

**Step 3**

Summarise the employee's weaknesses or areas to improve on during the year ahead.

**\*\*\*Note for Steps 2 and 3:** Some areas to consider in summarising strengths and weaknesses are: Technical and professional knowledge, communication skills, work quality, service orientation, level of independent initiative, work reliability, fiscal responsibility.

**Step 4**

Assign an overall performance rating for the employee:

**Exceptional      Above Expectations      Meets Expectations      Improvement is Needed**

***THE RESULTS OF THE APPRAISAL CONDUCTED PER THIS GNT ARE ATTACHED TO AND FORM A PART OF THIS DOCUMENT***

**Chairman's Signature:**

**Date:**

**Employee Signature:**

**Date:**

**Has the employee's job description changed, and has an updated description been submitted with this review?**

**Yes**

**No**

# Puxton Parish Council Disciplinary and Grievance Policy

## **Purpose and scope**

The council's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached and how to resolve grievances.

## **Principles**

The procedure is designed to establish the facts quickly and to deal consistently with disciplinary or grievance issues. No disciplinary action will be taken until the matter has been fully investigated. At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative or a work colleague. An employee has the right to appeal against any disciplinary penalty.

It is policy that the following procedure should be followed when an employee is being disciplined or dismissed. The procedure provides that in normal cases a series of warnings will be given before discipline or dismissal is contemplated. The stages of the procedure that apply when discipline or dismissal is being contemplated comply with the statutory dismissal and grievance procedures and are based on the ACAS protocol.

Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment or victimisation
- misuse of council facilities including computer facilities (eg e-mail and the Internet)
- poor timekeeping
- unauthorised absences

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, the employee will be invited to a disciplinary meeting at which the matter can be properly discussed. The employee will be allowed to bring a colleague or Trade Union representative to the meeting. The outcome of the meeting will be communicated to the employee. There are the following possible outcomes:

### Oral warning

In the case of minor infringements the employee may be given a formal oral warning by the Chair (or deputy if Chair is unavailable) of the council. A note of the oral warning will be kept on file but will be disregarded for disciplinary purposes after six months. The employee has the right to appeal against a formal oral warning.

### Written warning

If the infringement is more serious or there is no improvement in conduct after a formal oral warning the employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months.

### Final written warning

Where there is a failure to improve or change behaviour during the currency of a prior formal written warning, or where the infringement is sufficiently serious, the employee may be given a final written warning. This will give details of the complaint, warn that failure to improve may lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after 12 months.

### Dismissal

If the conduct or performance still fails to improve the final step will be to contemplate dismissal. The employer must follow the "Standard Disciplinary and Dismissal Procedure" which is a statutory requirement. Failure to do so will usually result in a finding of automatically unfair dismissal.

## **The Standard Disciplinary and Dismissal Procedure**

### Step 1: Employer gives employee a written statement and calls a hearing

The employer will set out in writing the alleged conduct, characteristics or other circumstances which lead him/her to contemplate dismissing or taking disciplinary action against the employee. The employer will inform the employee, in the written statement of the basis on which they have made the allegations. If possible the employer will provide the employee with copies of any relevant evidence. The employer will invite the employee to a hearing to discuss the matter and will inform them who will be attending on behalf of the Council. The employer will be the Chair (or deputy) of the Council and one other Councillor.

### Step 2: Meeting is held and employer informs employee of the outcome

The meeting will take place before any action, other than suspension on full pay, is taken. The meeting will be held without undue delay but only when the employee has had a reasonable opportunity to consider a response to the employer's written

statement and any further verbal explanation the employer has provided. The employee must take all reasonable steps to attend the meeting. After the meeting the employer will inform the employee of their decision and notify the employee of their right to appeal against the decision if not satisfied with it. The employee must appeal to complete the statutory procedure.

### Step 3: Appeal against the disciplinary decision if necessary

If the employee wishes to appeal they must inform their immediate manager as shown in the statement of employment particulars, in writing, within a reasonable time. The employer will then invite the employee to attend a further meeting. The employee must take all reasonable steps to attend the meeting. Two councillors who have not been previously involved will hear the appeal. In exceptional circumstances two councillors from a neighbouring parish who have not been previously involved in the disciplinary procedure will hear the appeal.

The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the employer will inform the employee of the final decision of the appeal panel and will confirm it in writing as soon as practicable.

### **Gross misconduct**

If after investigation it is confirmed that the employee has committed one of the following offences (the list is not exhaustive), they will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time the employee will be paid. Any decision to dismiss will be taken by the employer only after a full investigation. The Standard Disciplinary and Dismissal Procedure applies to dismissals for gross misconduct.

### **Modified Dismissal Procedure**

In a few cases of gross misconduct the employer may be justified in dismissing immediately without conducting an investigation. In these cases a two-step "Modified Dismissal Procedure" will be followed, otherwise the dismissal will be automatically unfair.

#### Step 1: Employer gives written statement

The employer must give the employee a written statement setting out the conduct that has resulted in the dismissal and informing them of the right to appeal against the decision to dismiss. The employee must appeal to complete the statutory procedure.

#### Step 2: Appeal against the disciplinary decision

If the employee wishes to appeal they must inform their immediate manager as shown in the statement of employment particulars. A meeting must be held (in accordance with the general principles set out above). The employer must inform the employee of the decision of the agreed panel following the meeting.

### **Abuse of this policy**

Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

### **General Principles**

The following principles apply to the Standard Dismissal and Disciplinary Procedure and the Modified Dismissal Procedure set out above:

1. The person who has authority to discipline you in accordance with this procedure is the immediate manager as shown in the statement of employment particulars
2. The employee has the right to be accompanied to any meeting by a representative or a colleague.
3. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
4. The employee will be informed in writing if at any stage in the procedure the employee is likely to be dismissed.
5. Meetings will be conducted in a manner that enables both employer and employee to explain their cases.
6. Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, the defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.

## **Grievance procedure**

It is policy to ensure that any employee with a grievance has access to a procedure, which can lead to a speedy resolution of the grievance in a fair manner.

Most routine complaints and grievances are best resolved informally in discussion with the immediate manager as shown in statement of employment particulars. Where the grievance cannot be resolved informally it will be dealt with under the following procedure that complies with the statutory standard three-step grievance procedure.

### **The Standard Grievance Procedure**

#### Step 1: Employee gives written statement of grievance

The employee must put their grievance in a written statement of grievance and send a copy to the immediate manager as shown in statement of employment particulars. Where the grievance is against the line manager(s) the matter should be raised with a more senior manager if there is one.

#### Step 2: Meeting is held and employer informs employee of the outcome.

The employer will invite the employee to attend a meeting to discuss the grievance. The meeting will only take place once they have informed the employer of the basis for the grievance they have set out a written statement, and the employer has had a reasonable opportunity to consider what response to make. The employee must take all reasonable steps to attend the meeting. The employer will be the Chair (or deputy) of the Council and one other Councillor. After the meeting the employer must inform the employee of the decision taken in response to the grievance and notify them of their right to appeal if they are not satisfied with the employer's decision. The employee must appeal to complete the statutory procedure.

#### Step 3: Appeal if necessary

If the employee wishes to appeal they must inform the employer. The employer will then invite the employee to attend another meeting. They employee must take all reasonable steps to attend. Two councillors from a neighbouring parish who have not been previously involved in the disciplinary procedure will hear the appeal. After the meeting the employer must inform the employee of the panel's decision taken.

### **The Modified Grievance Procedure**

The Modified Grievance Procedure will apply in relation to the grievance only if:

- The employee no longer works for the employer
- The employee has agreed with the employer in writing that it will apply
- The employee raised it before they left, but the standard procedure wasn't completed, or it was not raised until after the employee left

There are two steps within the Modified Grievance Procedure:

#### Step 1: Employee gives written statement of grievance

The employee must put their grievance in a written statement and send a copy to the employer.

#### Step 2: Employer gives written response

The employer must write back to the employee giving their response to the points raised.

### **Principles Applicable to the Standard and Modified Grievance Procedure**

1. Each step in the grievance procedure should be carried out without unreasonable delay. The times and locations of meetings should be reasonable.
2. Meetings must be conducted in a way that allows both parties to explain their case.
3. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential.
4. The employee has the right to be accompanied to the hearing by a Trade Union representative or a colleague.
5. There are some cases in which the statutory procedure does not have to be followed or does not have to be followed in full, for example where the grievance is about the fact the employer intends to dismiss the employee. In these cases, the employer will not necessarily follow the statutory procedures set out above.

If an employee wants to seek resolution of a grievance they must contact the immediate manager as shown in statement of employment particulars.

### **Abuse of this policy**

Any abuse in the application of this policy will be dealt with in accordance with The Council's Disciplinary Policy and Procedure and may possibly result in disciplinary action being taken, up to and including dismissal.

**Reviewed and Adopted 3rd March 2016**