

**RECRUITMENT POLICY
GUIDANCE ON APPOINTING
THE CLERK TO THE COUNCIL**

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APPOINTING THE CLERK

This guidance is drawn up for the benefit and guidance of the smaller, probably rural, Parish Council. The principles expounded will apply in the case of most larger Local Councils but the text will need to be amended appropriately to suit circumstances.

Forming part of this guidance are a checklist of events in the process of dealing with a change of Clerk, a Timetable and specimen advertisement, a sample Application Form, some guidance on the division between "employed" and "self employed", a table which may assist in short-listing candidates for interview, examples of interview questions, a table which may assist during the interview, and an EXAMPLE of a Contract with Clerk including Job description and Duties, followed by appraisals.

Various Acts and Codes of Practice make it unlawful to discriminate directly or indirectly on the grounds of gender, age, marital status, racial origin, disability, sexuality, political or religious belief. Care must be taken with any form of questioning that could be construed as being in these areas.

It is not appropriate to ask questions like:

- How do you control your diabetes?
- How do you think others will react to having a coloured supervisor?
- How will you cope with opposition to you as a woman?
- Did your female subordinates mind taking orders from you?
- What does your husband think of you doing this kind of work?
- Are you planning to start a family?
- How will you be coping with childcare during evening meetings?

Under the Asylum and Immigration Act 1996 it is an offence to employ a person who is not entitled to work in the UK. An applicant may be asked for one of the following documents:

- a document from the previous employer containing the persons name and NI number, such as forms P45, P60;
- a passport confirming that a person is a British citizen or a European national entitled to work in the UK;
- a birth certificate confirming birth in the UK or Republic of Ireland; or,
- a letter from the Home Office confirming that the person is allowed to work.

Your registration under the Data Protection legislation requires a statement in the Information Pack informing applicants that "Information may be copied and stored on a database and used during the recruitment process, or used to form part of the personnel file if successful."

It is now seen as an implied condition of most council insurance policies that a reference is taken up from the previous employer. This reference should be retained by the council, and may be requested by the insurer in the event of a claim in respect of fraud.

CHECK LIST OF EVENTS

A) The Clerk gives written notice to the Chairman of his/her intention to retire on a stated date. The Chairman, with the Clerk should:

1. Check existing Contract for terms of Notice.
2. Check existing Contract for terms on Pension and gratuity.
Contact County Association for advice regarding gratuity.
3. Draw up calendar of events required and agree handover arrangements with existing Clerk.
4. Communicate with all Councillors.
5. Call extraordinary Meeting of Council, if necessary, to agree selection procedure as set out at C below.

B) If the circumstances are different from A above (e.g. Death or Dismissal of existing Clerk) then the Chairman will have to:

1. Collect all books and records of the Council as soon as practicable and proper.
2. Compare list of items collected with checklist previously drawn up.
3. Make temporary arrangements for the carrying out of the duties of the Proper Officer, including checking emails and website.
4. Advise regular correspondents, District/Borough and County Councils, County Association, Local Council Review Address list etc.
5. Call extraordinary Meeting of Council, if necessary, to ratify actions taken in steps 1 to 4 and to agree selection procedure as set out in C below.

C) Meeting of Council, open to Press and Public, to agree procedure to be adopted for the selection.

1. At the various stages, will the whole Council or a special (Personnel) Committee do the work?
2. Who is to be a member of the Committee?
3. Who is to chair the committee or is it the chair of council?
4. May any Member have any relative (close friend etc.,) that might be an applicant? If so, what action will be agreed by way of replacement of that member?
5. Resolve in Council to authorise the Committee to carry out all necessary procedures, incur expenditure up to a stated limit and to make appointment, or to make final recommendation to whole Council as appropriate.

D) Review Job Description.

1. Is the Job Description per National Association/Society of Local Council Clerks agreed Model?
2. Does the Job Description include references to the duties of the Responsible Financial Officer?

3. Does the Job Description include necessary references to Burial Ground Duties (if any) or any other specific task carried out locally.

E) Review Terms of Contract in detail but in particular:

1. Salary scale and Hours.
2. Holidays.
3. Notice required to be given by Employer.
4. Notice required to be given by Employee.
5. Probationary terms (if any).
6. Is a fixed term contract appropriate?
7. Is there an opportunity for job share?
8. Are there any requirements for training and achievement of qualifications?

F) Draw up specification of person sought?

Which are essential - which are desirable?

1. Key competencies and experience
2. How local? Consider mileage limit.
3. Will certain other employments (principal authority) be reason for rejection, or a special strength?
4. Any education requirements?
5. Disposition/personality.
6. An administrator, or an "animateur"?
7. A Manager?
8. Someone to take forward a special project? (See E6 above)

G) Draw up Advertisement.

1. Content of Advert.
2. Where to advertise? National/County/Local/Parish?
3. Closing date for applications. Remember to allow for holiday periods.
4. What arrangement can be made for informal approaches by possible candidates? OR is there a pack (see H below)
5. Who is to receive the applications?

H) Draw up Information Pack for applicants.

1. Information pack contents to be agreed:
 - Basic details of Parish (to sell the location)
 - Details of Council, its Committee, employees etc.
 - Details of Budget, activities etc.
 - Job Description and Contract Terms
 - Application Form (see I below)

2. Who may be contacted with any queries, and how?
3. Interview arrangements:
 - Date(s)
 - Format (number of interview panels etc).
 - Interviewee's expenses.
4. Arrangements for taking up references.

I) Draw up Application Form, to include spaces for:

1. Name, address and telephone numbers
2. Current Employment - Job Title and duties.
3. Hobbies and other interests.
4. Previous education and employment with dates etc.
5. Qualifications (with dates)
6. "Why are you applying for this job"? *with plenty of space for the answer.*
7. Names and addresses of References, at least one from the previous employer.
8. Closing with a declaration and signature.

J) Short-listing procedures to be agreed.

1. Who short-lists? Council/Committee/small group?
2. Will the short-listing be checked against the person specification drawn up at F above?
3. When will short-term listing be done? *The sooner after the closing date the better.*
4. Agree the text of the rejection letters, the letters (if any) for reserve interviewees, and the definite interview candidate's letters.
5. Who signs and sends out the letters?
6. Who deals with requests for feedback on rejections of candidates?
7. Who obtains references prior to interview?

Notice of at least one week should be given of time and place for interview

K) The Interview Stage.

The Chairman may need to remind members of the interview panel that the successful candidate must be chosen on merit.

1. Agree who is to be Chairman of the Panel(s).
2. Establish the number of rooms required – reception, waiting, interviews.
3. Agree format of interviews, who asks what question.
4. Remember to treat all candidates equally.
5. Ensure that no interviewer breaks the Law by asking the forbidden questions.
6. Chairman to ensure fairness in process.
7. Chairman to give each candidate an opportunity to ask final questions before closing the interview.

8. Closing question from Chairman to be "If offered will you be accepting the job?"
9. Tell candidates how and where they will be contacted if successful in the interview, agree who signs and sends the letters of rejection.
10. Include on summary sheet reasons for rejection.
11. Who is to contact successful candidate by phone and agree the start date?
12. Who is to send the formal letter of offer?

L) The Council formally resolves to appoint or to ratify the appointment of the new Clerk as Proper Officer (and Responsible Financial Officer) of the Council.

M) The new Clerk takes up post.

1. Contract to be signed and copies given as appropriate, *who keeps Council's copy?*
2. Records and papers to be handed over per checklist from previous or temporary Clerk.
3. Advise regular correspondents, District/Borough and County Councils, County Association, Local Review address list etc.

TIMETABLE FOR APPOINTMENT OF CLERK

- | | | |
|----|---|-------------------------|
| 1. | Review job description, contract etc | P DAY - 12 WEEKS |
| 2. | Advert placed | P DAY - 11 WEEKS |
| 3. | Closing date for applications | P DAY - 7 WEEKS |
| 4. | Short-list candidates | P DAY - 6 WEEKS |
| 5. | Interviews | P DAY - 5 WEEKS |
| 6. | Appointment confirmed with chosen applicant | P DAY - 4 WEEKS |
| 7. | New clerk takes up post | 'P' DAY |

NOTE Some candidates may have to give 3 months notice therefore slippage will occur between No. 6 and No. 7

SPECIMEN ADVERT

CLERK TO PARISH COUNCIL

Little Nattering Parish Council seeks a Clerk. This post is part-time involving 4 hours per week on average.

The successful candidate is not required to have local government experience but will be expected to handle the formal minutes, agendas and correspondence of the Council. Training will be available.

The Salary will be per the National Salary Scale starting at £7.24 per hour rising by 4 annual increments.

An information Pack and Application Form can be obtained from:

The Chairman

Address.....

.....

PERSON SPECIFICATION

Position: Clerk (and Responsible Financial Officer) to the Council

	Essential	Desirable
Qualification / training	<ul style="list-style-type: none"> > Must undertake all necessary training > 	<ul style="list-style-type: none"> > Certificate in Local Council Administration > Local Policy Qualifications (University of Gloucestershire) >
Experience	<ul style="list-style-type: none"> > 	<ul style="list-style-type: none"> > Membership of, or Officer to, a Parish Council. > Knowledge of relevant Acts of Parliament >
Skills	<ul style="list-style-type: none"> > IT skills especially word processing > Oral communication + Writing letters and reports > Dealing with public > 	<ul style="list-style-type: none"> > Ability to keep simple accounting records >
Personal qualities	<ul style="list-style-type: none"> > Effective time management as a lone worker > 	<ul style="list-style-type: none"> > Can work on own initiative >
General	<ul style="list-style-type: none"> > Ability to attend evening meetings in > 	<ul style="list-style-type: none"> >

APPLICATION FORM

PARISH/TOWN COUNCIL

.....

POST	SALARY
CLERK
CLOSING DATE: _____ 200?	
SELECTION PROCESS: _____ 200?	

1. PERSONAL DETAILS

SURNAME:	
INITIALS:	
ADDRESS:	
HOME TELEPHONE NUMBER:	
WORK TELEPHONE NUMBER:	
NI NUMBER:	
DO YOU HOLD A CURRENT FULL DRIVING LICENCE	YES / NO
DO YOU OWN A CAR?	YES / NO

2. PRESENT EMPLOYER

NAME OF CURRENT EMPLOYER:	
JOB TITLE:	
DATE COMMENCED:	
PRESENT SALARY)	
SALARY RANGE) if	
REPORTING TO) relevant	
NOTICE REQUIRED)	
OUTLINE YOUR MAIN TASKS, RESPONSIBILITIES AND ACHIEVEMENTS (CONTINUE ON A SEPARATE SHEET IF NECESSARY)	

**3. OCCUPATIONAL HISTORY (MOST RECENT FIRST)
(CONTINUE ON A SEPARATE SHEET IF NECESSARY)**

EMPLOYER	FROM – TO	JOB TITLE & MAIN TASKS

4. DETAILS OF JOB RELATED TRAINING (MOST RECENT FIRST)

COURSE	RUN BY	DATE

5. SECONDARY / FURTHER HIGHER EDUCATION ATTENDED (IN DATE ORDER)

Name of Establishment	From	To	Qualification(s) Awarded (Subject & Level)	Date Awarded

**6. PROFESSIONAL QUALIFICATIONS
(MEMBERSHIP OF PROFESSIONAL BODIES)**

PROFESSIONAL BODY	QUALIFICATIONS	DATE AWARDED

**7. HOBBIES AND OTHER INTERESTS
(INCLUDE POSITIONS OF RESPONSIBILITY)**

**8. WHY ARE YOU APPLYING FOR THIS POST AND WHAT CAN YOU OFFER IN
TERMS OF YOUR PERSONALITY / ABILITIES/SKILLS/ APTITUDES/EXPERIENCE/
ACHIEVEMENTS?
(CONTINUE ON NEXT SHEET IF NECESSARY)**

CONTINUATION SHEET
PERSONALITY/ABILITIES/SKILLS/APTITUDES/EXPERIENCE/ACHIEVEMENTS

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for the user to write their responses to the section header above it.

9. REFERENCES

Please give two references. One should be your present Employer. IF YOU DO NOT WISH ME TO CONTACT EITHER OF YOUR REFEREES BEFORE FURTHER DISCUSSION WITH YOU, PLACE AN ASTERISK ALONGSIDE THEIR NAME.

<i>Telephone Number:</i> Relationship:	<i>Telephone Number:</i> Relationship:
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9. PLEASE GIVE DETAILS OF ANY DISABILITY

REGISTRATION NUMBER (IF APPLICABLE)

This Parish/Town Council intends to ensure that no employee job applicant should receive less favourable treatment than another on the grounds of sex, age, marital status, racial origin, disability, sexual orientation or political or religious belief. Its recruitment practices will exclude all assumptions, preferences, or judgements that are not job-related.

I CONFIRM THAT THE INFORMATION GIVEN BY ME IS CORRECT.
ANY FORM OF CANVASSING WILL LEAD TO DISQUALIFICATION.

SIGNATURE OF APPLICANT:

DATE:

PLEASE RETURN TO:

.....

.....

EMPLOYED OR SELF EMPLOYED

County Offices get the question regularly as to whether a Clerk can be registered as "Self-employed".

The position of Clerk to the Council is "an office" which brings the income from holding that office directly into Schedule E of the Income Tax Acts. (i.e. "Employed") There are possibilities of separating the duties so that the formal duties of the office holder are segregated from other "clerical" duties for which the services of an Agency might be appropriate. To organize a Council's affairs in such a way is a matter for that Council and great care needs to be taken. If "self-employed" the individual is solely responsible for their own tax and national insurance. **BUT... if the Council has an employee and fails to pay any tax or national insurance contributions that are due it is the Council that is liable for the under payment.**

If you answer "Yes" to the following you are likely to be EMPLOYED and subject to income and national insurance deductions in accordance with PAYE regulations.

*Do you yourself have to do the work rather than hire someone else to do it for you?
Can someone tell you at any time what to do or when and how to do it?
Are you paid by the hour, week or month? Can you get overtime pay?
Do you work set hours, or a given number of hours a week or month?
Do you work at the premises of the person you work for, or at a place he or she decides?*

If you can answer "Yes" to the following questions it will usually mean you are "SELF EMPLOYED".

*Do you have a final say in how the business is run?
Do you risk your own money in the business?
Are you responsible for meeting the losses as well as taking the profits?
Do you provide the main items of equipment you need to do your job, not just the small tools many employees provide for themselves?
Are you free to hire other people on your own terms to do the work you have taken on?
Do you pay them out of your own pocket?
Do you have to correct unsatisfactory work in your own time at your own expense?*

If in doubt the Council should contact the local Tax Enquiry Centre or Tax Office or a Contributions Agency Office of the DSS.

Please ensure that any question put to your County Office, Inland Revenue or the Contributions Agency includes all the facts at the first time of asking.

SHORT LISTING TABLE

This table may assist in the short-listing process by highlighting how the applicants measure up to the criteria set by the employer earlier in the timetable.

Mark with a tick or a numerical score (see below)

ESSENTIAL							DESIRABLE						COMMENT
/X							/X						
CANDIDATE	A	B	C	D	E	F	A	B	C	D	E	F	
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													

- Score 1= Poor
 2= Average
 3= Good
 4= Excellent

Shortlisted Candidates:

.....

.....

INTERVIEW TABLE

Candidate:

First Impression Description:

Score:	4	Excellent	Exceeds the specification
	3	Good	Meets the specification
	2	Average	Partially meets the specification
	1	Poor	Fails to meet the specification

KNOWLEDGE & QUALIFICATIONS	SCORE 1 - 4
1.	
2.	
3.	
4.	
SKILLS & EXPERIENCE	
1.	
2.	
3.	
4.	
SUMMARY	
	BONUS
	TOTAL

CONCLUSION:

INTERVIEW SUMMARY OF RESULT

Successful Candidate	
Unsuccessful candidates	Reasons (see below)

Reasons for non-selection of candidates:

1. Did not meet the required level of skills / experience / knowledge.
2. Did not demonstrate the required personal characteristics or motivation
3. Met the person specification, but a better candidate was selected (specify the ways in which the selected candidate was superior)
4. Withdrawn application

5. Unsatisfactory references
6. Inappropriate expectation of applicant (mis-match)
7. Other reasons to be specified.

EXAMPLES OF RECRUITMENT QUESTIONS

Education	<p>What level of formal education have you reached? Have you achieved any other qualification since then – vocational or academic?</p>
Computer skills	<p>What does your experience with computers cover? For how long have you used a computer? What range of programs have you used? What level of competence have you reached? Do you have any qualifications?</p> <p>(Do a test before the interview asking candidates to produce a letter and spreadsheet or ask candidates to bring evidence of their work)</p>
Good people skills	<p>What is the most difficult people situation you have had to deal with in the work place? Have you had to deal with an angry member of the public? What did you do? What experience do you have of dealing with complaints/irate callers? What sort of people upset you?</p>
Good telephone manner	<p>What experience do you have of dealing with people on the telephone? In what situations? What has been the most difficult telephone you have had to handle? How did you deal with the call?</p>
Can work on own initiative	<p>What experience have you had of researching details and information as a contribution to your own or the work of other people? What reports have you written? What are the most creative things you have done at work? (or outside work) Give examples</p>
Able to work under pressure	<p>Have you worked on your own for periods of time? What difficulties does this cause you? Give examples of how you have been able to meet deadlines?</p>
Able to work to flexible hours	<p>How do you feel about having to work on some evenings or weekends to cover meetings?</p>
Must undertake training	<p>Would you be prepared to undertake formal training to become a qualified clerk? Would you attend appropriate training courses? Does this include weekend courses?</p>

**MODEL CONTRACT OF EMPLOYMENT
AND JOB DESCRIPTION**

**AGREED BETWEEN
THE NATIONAL ASSOCIATION OF LOCAL COUNCILS AND
THE SOCIETY OF LOCAL COUNCIL CLERKS**

**NAME OF PARISH/TOWN/COMMUNITY COUNCIL
-and-
NAME OF EMPLOYEE**

CONTRACT OF EMPLOYMENT and JOB DESCRIPTION –

**CLERK/DEPUTY CLERK/ASSISTANT CLERK/RESPONSIBLE FINANCIAL OFFICER to the
COUNCIL**

1. Introduction

.1 This statement sets out particulars of your terms and conditions of employment with
***** Town/Parish/Community Council, which are required to be given to you by law.

Your employment commenced on ***** [date].

1.2 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.

1.3 For all new employees confirmation of the appointment will be subject to satisfactory
completion of a period of probationary service of not less than 13 weeks. During any such
period of service you would be expected to establish your suitability for the post.

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

The title of the job for which you are employed is Clerk/Deputy Clerk/Assistant Clerk/
Responsible Financial Officer to the ***** named Town/Parish/Community 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.

The Council may from time to time wish to amend your job description and you may at any
time be requested to undertake additional or 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/Deputy Clerk/Assistant Clerk/Responsible Financial Officer to the Council.

5. Place of Work

Your usual place/s of work is: ***** [Officers home address or council office address]

6. Salary

6.1 Your salary is in accordance with the current **NJC salary point** (State actual scale in relation to the benchmark profile and start point) £****) and (*if part-time*) is calculated by pro-rata reference to the standard working week for local government staff of 37 hours.

THEN EITHER

6.2 Subject to satisfactory performance, you will progress automatically through the salary scale by annual increments until you reach the maximum of the scale. Your first increment will be payable on 1st April (year) and thereafter on the 1st April each year until you reach the maximum of the scale. The Council may withhold an increment if it is considered that performance fell below the level expected, following an annual review, or award an additional increment for exemplary performance if it chooses to do so. (See Appraisal/ Career Development Review 11 below).

OR

6.2 You have been appointed to a single salary point and the Council will review your salary annually on the anniversary of your appointment.

7. In addition one additional salary point will be added to your salary, up to a maximum of four points, for success in obtaining or already holding each of the following relevant qualifications:

- The Certificate in Local Council Administration and other relevant qualifications such as:
- Certificate in Local Policy Studies First Year
- the Certificate in Local Policy Studies
- the Diploma in Local Policy Studies
- BA (Hons) Degree Local Policy Studies (University of Gloucestershire).

8. Your salary will be paid by cheque or bank transfer at monthly intervals to reach your bank or Building Society as cleared funds by the last working day of the month.

9. Expenses

Any travel, mileage, subsistence expenses incurred by you and approved by the Council will be paid at the agreed NJC rate laid down at the time.

Delete whatever does not apply:

10. Working From Home – Additional Clauses

- .1 If the Council requires that your office, for the purposes of the Council, is your own home, then it will carry out a Risk Assessment to check the accommodation to ensure that Health and Safety regulations are met. The Council undertakes to meet the cost of ensuring that these conditions are met.
- 10.1.2 The Council will reimburse all expenses incurred by you in the discharge of the duties that are approved by the Council.
- .2 The cost of all stationery and consumables and computer consumables against vouchers/invoices submitted to the Council will be reimbursed.
- .3 The Council will provide a separate telephone/fax line or reimburse all telephone/fax call expenses incurred on a private line against an itemised account.
- .4 The Council will pay an agreed sum to take into account the use of space, lighting, heating and electricity due to working from the private premises of the Clerk/Deputy Clerk/Assistant Clerk/Responsible Financial Officer to the Council.
- .5 The Council will provide a dedicated computer or pay an agreed sum on a quarterly basis to include depreciation for the use of a private computer belonging to the Clerk/Deputy Clerk/Assistant Clerk/Responsible Financial Officer to the Council.
- .6 The Council will pay for all necessary computer software or upgrades required for the Clerk/Deputy Clerk/Assistant Clerk/Responsible Financial Officer to the Council to fulfill the duties required by the Council.
- 10.3 The Council agrees to fully indemnify the Clerk/Deputy Clerk/Assistant Clerk/ Responsible Financial Officer to the Council for both Employers and Public Liability Insurance for working from their own premises or any additional premium required by the Clerk/Deputy Clerk/Assistant Clerk/ Responsible Financial Officer to the Council's own insurance.
- 10.4 You will make yourself available to members of the public during agreed hours at the designated address or alternatively at other accessible premises designated by the council.

11. Appraisal

You will receive an annual Appraisal/Development Review. Should there be any concern about your performance, other than matters of a disciplinary nature, the Council undertakes to work with you to seek to ensure that necessary training, mentoring and support is provided to ensure that agreed standards of performance are reached in a reasonable agreed time frame.

12. Hours of Work

12.1 Your hours of work arehours per week [maximum 37 hours].

.2 In accordance with the Flexible Time Working Regulations (Employment Act 2002) you may apply, in writing, for flexible working time conditions on the grounds that you have a child of an age that meets the provisions of the Act. The Council retains the right to refuse this application on reasonable objective business grounds. If so, the Council must provide you with reasons in writing.

.3 In accordance with the Works and Families Act 2006 you may apply, in writing for flexible working time conditions on the grounds that you are a carer of an adult who meets the provisions of the Act. The Council retains the right to refuse this application on reasonable objective business grounds. If so, the Council must provide you with reasons in writing.

13. Additional Hours

If you are required to work more than your normal working hours servicing the Council and its committees or external events, you will be reimbursed at the normal NJC rate for these hours or you may take time off in lieu at a time agreed between you and the Council.

Additional hours worked over and above the normal working week of [] hours servicing the Council and its committees or external events, will be reimbursed as (Paid Overtime at the normal rates or Time-in-Lieu – (delete as appropriate: green book provisions allow for payment of overtime up to scp.28) at a time agreed between you and the Council.

Exceptional additional hours required to be worked must be approved by the Council.

14 Annual Leave

.1 The calculation of your annual leave commences from the first day of your employment. You are entitled, in addition to the normal bank and public holidays, to twenty working days' leave in each leave year (pro rata for part time employees). The leave year runs from 1st April to 31st March.

.2 Your leave entitlement will increase to twenty-five working days per year (pro rata for part time employees) when you have completed not less than five years of continuous service immediately prior to the commencement of the leave year.

14.3 In addition to normal bank and public holidays, you will be entitled to two extra statutory days (the timing of these extra-statutory holidays will be by mutual arrangement and must be taken at times convenient to the Council).

14.4 If you join the Council from another authority or other qualifying public body, your previous service will be taken into account in calculating your holiday entitlement.

1. 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.

2. Holidays must be taken at times agreed with the Council. By mutual agreement no more than five days leave may be carried forward to the next leave year.

14.7. In the event that you fall sick during the period of your annual leave you will be regarded as being on sick leave from the date of your self or medical certificate and further

annual leave will be suspended from that date.

15. Sickness Absence

- 15.1** 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.
- 15.2** In respect of absence lasting up to seven calendar days, you are required to inform the Chairman/ Vice-Chairman or your line manager and self-certificate your absence.
- 15.3** 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.
- .4** You will be paid your agreed basic remuneration in line with the scale of payment for any one year that runs from 1 April to 31st March. The Council will be responsible for reclaiming the Statutory Sick Pay element from HM Revenue & Customs.

Entitlement to payment is subject to notification of absence and production of medical certificates as required above.

- .5** The Council operates the Statutory Sick Pay scheme and you are required to co-operate in the maintenance of necessary records. For the purposes of calculating your entitlement to Statutory Sick Pay 'qualifying days' are those days on which you are normally required to work. Payments made to you by the Council under its sick pay provisions in satisfaction of any other contractual entitlement will go towards discharging the Council's liability to make payment to you under the Statutory Sick Pay scheme.
- 15.6** The Council reserves the right to require you at any time to submit to a medical examination by a medical practitioner nominated by the 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 Council.
- 15.7.** Whilst on absence due to sickness or incapacity you are not permitted to undertake any paid work for another employer or for any business established by you without express permission from the Council.

16 Scale of Payment

Subject to the above conditions of this scheme, when absent from duty owing to illness (which term is deemed to include injury or other incapability or disability) you will be entitled to receive an allowance in accordance with the following scale:

during 1st - year of service	one months full pay and (after completing 4 months service) 2 months half pay
during 2nd - year of service	2 months full pay and 2 months half pay.
during 3rd - year of service	4 months full pay and 4 months half pay.
during 4th & 5th - year of service	5 months full pay and 5 months half pay.

after 5-years service

6 months full pay and 6 months half pay.

N.B. For the purposes of calculating “half” pay, the rate of pay for the agreed salary month will be used.

17. Maternity/Paternity/Adoption Leave

Under the provisions of the Employment Rights Act 1996 (as amended by the Employment Act 2002 and regulations there under) you will be entitled to apply for Maternity/Paternity/Adoption leave.

18 Injury or Assault

In the event of death or permanent disablement arising from a violent or criminal assault suffered in the course of employment then all insurance payments will be made in accordance with paragraph 7 of Part 3 of the Green Book Terms and Conditions.

19 Pensions and Gratuities

Delete whatever does not apply:

Either

19.1 Pension

The Council is a member of the Local Government Pension Scheme, which operates a contributory pension scheme which you are entitled to join. Details of which are contained in the separate booklet provided. Delete if necessary

Or

19.2 Gratuity

The council may make appropriate provision for the payment of a gratuity in accordance with the Regulations in force at the relevant time.

19.3 Death in Service

In the event of your death in service any gratuity payments will be paid to your next of kin. Any pension benefits will be paid to your nominated beneficiary, spouse or children in accordance with the provisions of the Local Government Pension Scheme.

20. Notice of Termination of Employment

During probationary period

.1 Either party may terminate the contract of employment by giving 1 weeks notice in writing._

After completion of probationary period

- .2 The length of notice which you are obliged to give to the Council to terminate your employment is one month in writing.
- .3 The length of notice which you are entitled to receive from the Council to terminate your employment is four weeks in writing until you have been continuously employed for four years and thereafter such notice entitlement increases by one week for each year of continuous service until you have completed twelve years of continuous employment after which time you will be entitled to twelve weeks notice.
- .4 Upon or within one week of written termination of your employment (whether that be during or after any probationary period) you are required to surrender to the Council any documents or materials that you have been holding on behalf of the Council.

21. Grievance and Discipline – Dispute Resolution

21.1 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.

21.2 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.

21.3 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.

A copy of the Discipline and Grievance Policy and all other policies of the Council are contained in the documentation given to you.

22. 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.

23. Training and Development

It is essential that the Officers and employees of the Council maintain up to date knowledge of their function and duties. To this end the Council will expect and support your necessary agreed training and development and meet all course and examination expenses and any travel and subsistence incurred on the scale set down as paid working hours. In addition reasonable agreed time for study in paid working hours will be given.

24. 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:.....
Chairman/Town Mayor of the Council

Signed:-.....Dated:.....
**Clerk/Deputy Clerk/Assistant Clerk/Responsible
Financial Officer to the Council**

Appendix 1

SPECIMEN JOB DESCRIPTION – CLERK TO THE COUNCIL

Overall Responsibilities

The Clerk to the Council/Town Clerk will be the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law of a local authority's Proper Officer.

*The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out.

*The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. The person appointed will be accountable to the Council for the effective management of all its resources and will report to them as and when required.

*The Clerk will be the Responsible Financial Officer and responsible for all financial records of the Council and the careful administration of its finances.

Specific Responsibilities

1. To ensure that statutory and other provisions governing or affecting the running of the Council are observed.
2. To monitor and balance the Council's accounts and prepare records for audit purposes and VAT. * Or to monitor the work of a designated other officer designated the Responsible Financial Officer.
3. To ensure that the Council's obligations for Risk Assessment are properly met.
4. To prepare, in consultation with appropriate members, agendas for meetings of the Council and Committees. To attend such meetings and prepare minutes for approval. *Other than where such duties have been delegated to another Officer.
5. *To attend all meetings of the Council and all meetings of its committees and sub-committees. *Other than where such duties have been delegated to another Officer.
6. *To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence as a result of instructions of, or the known policy of the Council.
7. To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met. To issue invoices on behalf of the Council for goods and services and to ensure payment is received.
8. *To study reports and other data on activities of the Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Council.
9. To draw up 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.

10. To supervise any other members of staff as their line manager in keeping with the policies of the Council and to undertake all necessary activities in connection with the management of salaries, conditions of employment and work of other staff.
11. To monitor the implemented policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
12. To act as the representative of the Council as required.
13. To issue notices and prepare agendas and minutes for the Parish Meeting: to attend the assemblies of the Parish Meeting and to implement the decisions made at the assemblies that are agreed by the Council.
14. To prepare, in consultation with the Chairman, press releases about the activities of, or decisions of, the Council.
15. To attend training courses or seminars on the work and role of the Clerk as required by the Council.
16. To work towards the achievement of the status of CiLCA (or equivalent) Qualified Clerk as a minimum requirement for effectiveness in the position of Clerk to the Council.
17. To continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the Council: Suggested is membership of your professional body The Society of Local Council Clerks.
18. To attend the Conference of the National Association of Local Councils, Society of Local Council Clerk's, and other relevant bodies, as a representative of the Council as required.

The standard Duties of the "Responsibilities Financial Officer" are supplementary to the above Job Description and add to or modify the standard Job Description. When employing a new Clerk it is advisable to consider the job description and the circumstances on an individual basis.

RESPONSIBLE FINANCIAL OFFICER

A Responsible Financial Officer (R.F.O) must be appointed by all Local Councils under section 151 of the Local Government Act 1972. The Duties of the R.F.O are:

1. Prepare financial reports to Finance Committee, and/or Council. Reports to cover Budget monitoring, Fund Balances, Receipts to date, payroll summary, payment of accounts, and on the relevant current matters.
2. Prepare draft estimates. When approved by Council to form annual budget, monitor during year and report thereon.
3. Submit precept to Council.
4. Enter regularly (daily if necessary) all money received and expended by the Council.
5. Ensure that all money due to the Council is billed (where appropriate) promptly, and in all cases is collected promptly.
6. Identify the duties of all individuals, including him/herself dealing with financial transactions and ensure, as far as possible, the division of responsibilities of those officers in relation to significant transactions. In other words ensure that there is as much internal checking as possible in a small authority.
7. Manage cash flow and control of transfers and investments.
8. Control of cheques.
9. Overall management of payroll. Ensure prompt payment of tax and national insurance to the Collector of Taxes either monthly, or where appropriate quarterly.
10. Overall responsibility for submission of quarterly VAT returns and dealing with VAT inspections etc.
11. Review verifications and code (where necessary) suppliers' invoices, prior to certification for payment.
12. Ensure that the Internal Auditor has access to all necessary paperwork at least twice a year and that the internal auditor presents reports to the Council.
13. Prepare and balance final accounts in accordance with the 2003 Audit and Accounts

Regulations amended 2006 and report thereon.

14. Produce accounts and records for external audit in accordance with the 2003 Audit and Account Regulations, amended 2006
15. Ensure Internal Auditor completes and signs the appropriate section of the Annual Return.
16. Monitor compliance with the Council's Financial Regulations and ensure correct financial systems in place.
17. Manage the Insurance Risk and process claims as necessary.
18. Maintain Council's Register of Property and Assets.

AFTER APPOINTMENT OF CLERK - APPRAISALS

You have appointed a clerk, what more is there to do? Will you carry out a review after say 6 months to see if the appointed person is the correct person for your council? Should you be encouraging the clerk to attend training? Questions still arise and it is important to ensure your clerk is involved in the questioning process. So how about an annual appraisal?

Certainly you should consider an annual appraisal. This will allow an opportunity for both the clerk and the council to assess the job, the workload, etc to raise issues and have open and honest conversations about the role and job performance and it should allow the clerk the opportunity to suggest changes in the way the council operates. Appraisals allow you to recognise achievements during the previous period and motivate the clerk to achieve even more. Actually saying “**well done**” or “**thank you**” may seem unimportant but acknowledgements like these are **extremely important** to the clerk.

By identifying and correcting problems you will improve productivity. By asking for feedback and ideas you find out how to improve. An appraisal gives you an insight into the work being done and the person doing it.

So who carries out this appraisal? It should be only one delegated person, preferably from the HR/ Staffing Committee. A whole committee should not be involved in the actual appraisal but can be involved in the setting of questions and forms to be used. By setting agreed objectives and later reviewing the results, the clerk is made responsible for his or her own performance.

Appraisals show your clerk you care about their problems, their aspirations and their views. Done well, appraisals result in employees being confident and focused on their objectives.

Some suggested questions for an appraisal form:

- How well do you think you have performed since your last review?
- Have you experienced any problems in achieving your key objectives since your last review?
- In what aspects of your work were you really successful?
- In which areas do you think you could improve your performance?
- How would you rate your own achievements?
- How well are you working with others in the team?
- How well are you managing to prioritise your workload?
- How are you coping with working on your own initiative?
- What do you find most or least interesting in your job?

- ❑ Do you have any interests or abilities which could be better used?
- ❑ Are your working hours satisfactory?
- ❑ What help and training do you need to develop your role?
- ❑ What could the council do to improve your work situation?
- ❑ What do you think your key objectives for the next six months should be?

CAR ALLOWANCES FOR LOCAL COUNCIL CLERKS

Mileage rate for Essential Users (not Councillors)

1st April 2007 onwards

	451 – 999 cc	1,000 – 1199 cc	Over 1,200 cc
Lump sum	£726	£819	£1,056
Per mile, first 8,500	32.0p	34.6p	43.4p
Over 8,500 miles	12.1p	12.1p	14.4p
VAT content per mile	1.219p	1.244p	1.389p

Mileage rate for Casual Users (not Councillors)

1st April 2007 onwards

	451 – 999 cc	1,000 – 1199 cc	Over 1,200 cc
Per mile, first 8,500	40.5p	44.2p	55.8p
Over 8,500 miles	12.1p	12.1p	14.4p
VAT content per mile	1.219p	1.244p	1.389p

For mileage payments over 40p per mile there may be a National Insurance liability on both the employer and the employee. The Income Tax position will depend on personal circumstances. Any change in the mileage rates is usually announced in May.

NATIONAL MINIMUM WAGE ACT 1998

The national minimum wage came into force on 1st April 1999 for full and part-time employees. This applies to most workers in the UK, including home-workers, agency workers, commission workers, casual workers and pieceworkers, all of whom are entitled to be paid at a minimum hourly rate of: (from effect 1 October 2007).

Adult rate - £5.52 per hour
18-21 year old - £4.60 per hour
16-17 year old - £3.40 per hour

Local Councils whose clerks are paid in accordance with the NALC/SLCC recommended salaries comply with these regulations. However, Councils should ensure that, regardless of the agreed hours for the Clerk, the actual hours required to accomplish the expected workload are assessed to ensure that the effective rate per hour is not diluted so as to infringe the minimum wage requirements. In effect such Clerks are classified as doing unmeasured work. In those circumstances, there is an option for the Clerk to ask for a written agreement setting out the average number of hours he or she should work each day. Councils in any doubt should discuss the issue with the Association Secretary in the first instance.

NATIONAL INSURANCE

Councils are reminded that the earnings for the National Insurance purposes from 6 April 2007 are:

Upper Earnings Limit - £770-00 per week

Lower Earnings Limit - £90-00 per week

Councils are reminded that whereas an employees may be exempt from NI contributions due to his or her age, the Council remains liable for payment of the Employers contributions, if appropriate. Updated figures may be found on the Inland Revenue Website or in the PAYE employers pack.

Other Thresholds

For National Insurance and Income Tax purposes:

	2007 – 2008	2008 – 2009
Lower Earnings Limit	£ 87.00 p.w.	£90.00 p.w.
Earnings Threshold	£ 100.00 p.w.	£105.00 p.w.
Upper Earnings Limit	£ 670.00 p.w.	£770.00 p.w.
Basic personal allowance (IT)	£5,225 p.a.	£5,435 p.a.

DEPUTY CLERKS

Where a Council designates an officer as Deputy Clerk (not Assistant Clerk) and that person has all the functions of the Clerk in the Clerks absence, it is recommended that the Deputy Clerk is paid 75% of the Clerks salary.

This publication is based on a publication produced and published by Somerset Association of Local Councils.

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