

## **Draft Personnel Committee Terms of Reference**

### **Introduction**

Saltash Town Council appoints Committees to carry out specific duties on its behalf. All Committees must comply with the Council's Standing Orders and Financial Regulations, Scheme of Delegation, and any relevant statutory requirements

This document sets out the remit, powers, and procedures for the Personnel Committee.

### **Committee Overview**

#### Remit:

To oversee matters relating to the employment, welfare, development and performance of Council staff, including recruitment, employment policies, appraisals, sickness absence, annual leave, training and development, dignity at work, health and safety compliance, and general staff wellbeing.

The Committee shall work within its delegated authority and approved budget. Day-to-day line management of staff remains the responsibility of the Town Clerk (supported by HR Consultants as required), except where a matter relates directly to the Clerk or where Council policy provides otherwise.

Urgent/emergency issues may be dealt with as they arise by the Town Clerk in consultation with the Chair of the Committee.

Councillors appointed to the Personnel Committee must be willing to undertake appropriate employment law, equality, data protection, dignity at work, disciplinary/grievance and appraisal training as soon as practicable, and before sitting on any formal staffing panel.

Councillors appointed to the Personnel Committee must have completed Code of Conduct training in accordance with the Monitoring Officer's requirements and the provisions set out in the Code of Conduct.

The Personnel Committee recognises the importance of maintaining high standards of governance and conduct. Any Councillor serving on the Committee who fails to comply with this requirement or ceases to remain compliant with these Terms of Reference may be required to step down from the Committee with immediate effect.

The Council recognises that stable membership of the Committee is desirable. Membership should therefore be regarded as a continuing commitment, subject to annual appointment by Full Council.

A member will not be eligible for nomination to the Committee if they have been the subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of staff during the previous 12 months.

Non Members: all Councillors not appointed to the Personnel Committee may attend public sessions and, at the discretion of the Chair, participate in the meeting but have no voting rights and shall not count towards the quorum.

Non-members: shall withdraw for confidential staffing matters unless specifically invited by the Committee for a defined advisory or factual purpose. Any councillor attending a confidential staffing item shall be bound by the same confidentiality obligations as Committee members and may be prevented from sitting on any later hearing or appeal panel relating to that matter.

Composition:	Six members  There are no ex-officio members of the Personnel Committee.  A member will not be eligible for nomination to the Committee if they have been the subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of staff during the previous 12 months.
Quorum:	Four members
Meetings:	Four ordinary meetings per year. In the event of an item of urgency, an extra ordinary meeting can be called in line with legislation and Council's adopted standing orders and scheme of delegation.
Confidentiality:	The Committee shall treat all staffing matters with appropriate confidentiality and in accordance with Standing Orders, employment policies and data protection requirements.
Time:	6:30 p.m.
Venue:	Guildhall
Public attendance:	The meeting is open to members of the public and press up until the Public Bodies (Admission to Meetings) Act 1960.
Reports to:	Full Town Council

Chairmanship:	Chair and Vice-Chair to be elected by the members at the first committee meeting held in each Council year.
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Members should not take personal notes during confidential staffing items unless required for a formal hearing or appeal. An official confidential minute, record or hearing note shall be taken by the Town Clerk, an appointed note taker, or an external adviser as appropriate and retained securely by the Council.

Members involved in confidential staffing matters must not discuss those matters with councillors, staff or third parties who are not properly involved in the matter.

Term of Appointment: appointments shall be made for a term of one year, with members expected to commit to serving for up to four years to ensure continuity and stability in staffing matters.

Legal and Governance Framework:

The Committee operates under the following legislation and policy documents (non-exhaustive):

Local Government Act 1972, including delegation and committee arrangements

Public Bodies (Admission to Meetings) Act 1960

Localism Act 2011

Employment Rights Act 1996, as amended, including relevant provisions of the Employment Rights Act 2025 as they come into force

Equality Act 2010, including the Public Sector Equality Duty

Worker Protection (Amendment of Equality Act 2010) Act 2023

Data Protection Act 2018 and UK GDPR

Health and Safety at Work etc. Act 1974

Management of Health and Safety at Work Regulations 1999

Working Time Regulations 1998

National Minimum Wage Act 1998 and National Minimum Wage Regulations 2015

Trade Union and Labour Relations (Consolidation) Act 1992

Employment Relations Act 1999, Employment Act 2002 and Employment Relations Act 2004

Pensions Act 2008 and relevant pension/auto-enrolment requirements

Immigration, Asylum and Nationality Act 2006 and Immigration Act 2016

Rehabilitation of Offenders Act 1974

TUPE Regulations 2006, where relevant

Agency Workers Regulations 2010, where relevant

Maternity and Parental Leave etc. Regulations 1999

Paternity and Adoption Leave Regulations 2002, as amended

Shared Parental Leave Regulations 2014

Parental Bereavement Leave and Pay Act 2018

Carer's Leave Act 2023 and Carer's Leave Regulations 2024

Neonatal Care (Leave and Pay) Act 2023 and associated regulations

Employment Relations (Flexible Working) Act 2023 and Flexible Working Regulations

ACAS statutory Codes of Practice, including disciplinary, grievance and flexible working

NJC National Agreement on Pay and Conditions of Service, where adopted by the Council

Council's adopted Standing Orders, Financial Regulations, Scheme of Delegation, Code of Conduct and employment policies

Relevant case law and NALC/SLCC guidance as applicable

#### Authority and Delegation

The Committee has delegated authority to make decisions within its approved Terms of Reference, adopted budget, Standing Orders, Financial Regulations, and the Council's Scheme of Delegation.

The Committee may authorise expenditure within its delegated budget, provided that such expenditure is within previously approved limits and does not commit the Council to future or unconfirmed budgets.

The following matters must be referred to Full Council or the relevant committee:

Any matter outside the Committee's approved Terms of Reference or delegated authority.

Any matter requiring expenditure outside the Committee's approved budget or above authorised limits.

Any proposal that would commit the Council to ongoing, future, or unbudgeted expenditure.

Any senior officer appointment where Full Council approval is required.

Any proposed amendment to Standing Orders, Financial Regulations, the Scheme of Delegation, or Council employment policies.

Any matter reserved to Full Council by law, Standing Orders, Financial Regulations, the Scheme of Delegation, or a previous resolution of the Council.

**Terms of Reference including delegated duties and responsibilities:**

Personnel and Staffing:

To oversee the Council's role as employer.

To appoint, from its membership, recruitment panels when necessary and in accordance with the Council's Recruitment Policy.

To assist the Town Clerk on recruitment processes for senior officer appointments and make recommendations to Full Council where required.

To appoint, from its membership, hearing and appeal panels when necessary, ensuring that members have not had prior involvement in the matter and are up to date on relevant training, advised by the Town Clerk and or HR Consultants.

To support the Town Clerk, where appropriate, in any process relating to dismissal, redundancy, capability, grievance or disciplinary matters, where required by Council policy.

To manage employment matters relating directly to the Town Clerk in accordance with Council policy and, where appropriate, with external HR advice.

To review staffing structures and levels biennially, or following any significant organisational change, and make recommendations to Full Council.

To review contracts of employment, job descriptions and person specifications biennially, or following any significant organisational change – to be advised by the Town Clerk and or HR Consultant.

To review staff pay, grading and job evaluation arrangements in accordance with the Council's Policies, supported by the relevant specialist consultants.

To review staff pension arrangements biennially, or sooner where legislative or scheme changes require, advised by the Responsible Finance Officer.

To regularly review staffing policies and procedures to ensure they remain current, lawful and consistent with best practice.

To support the Town Clerk in managing long-term sickness, welfare concerns and incidents at work in line with Council policies.

To ensure that the Town Clerk has the necessary tools, training and support to manage staff effectively.

To identify appropriate sources of expert employment, occupational health, legal or HR advice and ensure that such advice is used when appropriate.

#### Strategy and Governance:

To undertake training appropriate to the Committee's staffing responsibilities.

To consider and submit to the Policy and Finance Committee annual budget estimates for staffing, training, occupational health, HR advice, recruitment and employment-related expenditure.

To consider recommendations from any sub-committees, panels or advisory groups operating under the authority of the Personnel Committee.

To consider such matters as may be delegated by Full Council from time to time.

To review the Committee's Terms of Reference annually and make recommendations to Full Council.

To review employment-related objectives within the Council's Business Plan and the Committees deliverables.

To monitor changes in employment legislation, NJC terms, CALC/NALC/SLCC guidance and ACAS Codes of Practice, and recommend policy amendments where required.

#### Performance. Appraisal and Development:

To ensure that all staff, including the Town Clerk, receive an annual appraisal and six monthly objective review.

To ensure that the Chair of the Personnel Committee and Chair of the Town Council undertake the Town Clerk appraisal and six monthly objective review with the support of HR, subject to both Chairs undertaking the appropriate training.

To receive recommendations arising from appraisals, including training, development and pay progression matters, in accordance with Council policy.

To receive and consider training and development requests within the agreed training budget and delegated authority.

To promote staff wellbeing, development and retention.

### Complaints, Grievance, Disciplinary and Capability:

To support the Town Clerk with staff disciplinary, grievance, dignity at work, capability and appeal matters in accordance with the Council's adopted policies, subject to Members of the Personnel Committee undertaking the appropriate training.

To ensure that investigation, hearing and appeal roles are kept separate.

To assist with the appointment of an appropriate Investigating Officer where required. This may be the Town Clerk, another officer of the management team, a councillor, or external HR Consultants, depending on the nature of the matter, any conflicts of interest, and subject to undertaking the appropriate training.

To support the Town Clerk with hearing and appeal panels when required, ensuring that no member has had prior involvement in the matter and are up to date with appropriate training.

To ensure that employees are informed of their statutory and policy rights, including the right to be accompanied where applicable.

For allegations of misconduct relating to the Town Clerk, to appoint an appropriate Investigating Officer, which may be the external HR Consultant.

For grievances relating to or raised by the Town Clerk, to ensure that the Council's Grievance Policy is followed and external HR advice is obtained where appropriate.

To make decisions or recommendations regarding sanctions, dismissal, and appeal outcomes in accordance with the Council's adopted policies and delegated authority, where serving as a member of the relevant panel.

### Health and Safety and Compliance:

To oversee employment-related health, safety and welfare matters, including staff wellbeing, lone working, stress management, sickness absence and occupational health.

To receive reports and recommendations from the Council's competent health and safety person where they relate to staff matters.

To ensure that required employment-related health and safety actions are progressed by the Town Clerk or relevant officer within agreed authority and budget.

To consider and recommend policy or procedural changes required to comply with employment law, health and safety law, NJC terms and conditions, and best practice guidance from CALC/NALC/SLCC and ACAS Codes of Practice and other relevant bodies.

To ensure that councillors involved in staffing matters understand and respect their confidentiality, equality, dignity at work and data protection.

**Note:** Any resolution made outside these Terms of Reference may be considered ultra vires and open to challenge in a Court of Law.

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