

Allhallows Parish Council

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Statement on Employment Issues to Annual Parish Meeting

Following speculation and expression of views on social media and emails from the Allhallows Youth Club in particular, I have prepared the following statement to try and clarify the position and explain the next steps.

No decisions have been taken to close the youth club or sell off the Brimp site, in fact there are plans to work with the youth club to improve the site and facilities. There is an outstanding action on my worklist and there were plans to discuss this with them.

Background

As parish clerk, part of my role is to advise the parish council on policy and decision making, to ensure it is legal and conforms to statutory requirements and the council's own policies. Decisions are taken by the parish council as a whole and there are no sub-committees with powers to make decisions.

I took over the role in late November after a gap of about a month after the previous clerk resigned after only about six weeks in the job and have had to catch-up quickly to ensure a budget could be presented and agreed in January following access to the bank accounts at the end of December 2015. I have also been checking the parish council policies and documentation and found some issues that need to be resolved.

The current situation is that a Clerk, two Caretaker/Street Cleaners, a stand-in Caretaker/Cleaner, a Cleaner for the Village Hall & Cross Park and a Cleaner for the Allhallows Youth Club at the Brimp are all employed on a part time basis (6 people). The Village Hall and Allhallows Youth Club are invoiced (with their agreement) for the costs of their cleaning and a contribution towards their payroll costs, on a monthly basis.

With the council's year end in March 2016, they also wanted to discuss the staffing arrangements in advance of the staff appraisals and salary reviews that take place around now. Due to the difficulties in discussing personal/personnel issues at an open parish council meeting a one off Personnel Advisory Committee was convened, and all councillors invited, to discuss these issues. The advisory committee had no power to make decisions and I summarised the discussions in a confidential report to the April Parish Council meeting, with options suggested. There were concerns about the current arrangements with the Village Hall and the Youth Club as effectively they were, in the council's view, directed by those organisations and not the parish council (re-charge of pay and day to day direction). (In the case of the village hall there were issues around minimum wage and it has since come to light that holiday pay in the case of both organisations, appear to be against HMRC recommendations).

Following the advisory committee there was a meeting of the Chair and me with the Allhallows Village Hall committee (where the Chair of the Youth Club was present, we discussed the parish council's objectives of working with the Village Hall to improve the facilities (and have since have had a grant request for £1,000 that will be decided at the May meeting) and I also mentioned the option that had been raised regarding the withdrawal of the employment of the Village Hall cleaner and returning the responsibility to the Village Hall. There was concern about this putting extra work on the volunteers and that view was included in the confidential report.

As this could also impact on the Youth Club, they emailed me to express similar concerns and also the added implication that they felt they would be prevented from employing anybody because of their

governance structure and that they would have to close. The concerns regarding placing more work on volunteers was included in the report, and the closure issue reported verbally as it is still not understood how issues around the two hours a week could lead to closure and that investigation continues. A meeting is still offered, but currently rejected, to discuss these issues.

After considering the issues, councillors made a series of recommendations, which were agreed – to increase some salaries and authorise back pay for the Village Hall/Cross Park cleaner and the Brimp cleaner. Adjustments were also agreed to Caretakers pay. A decision to draft an employment contract and advertise for a Cross Park Caretaker/Cleaner/Booking Clerk were also agreed.

Further recommendations were agreed to cease the arrangements with the Village Hall and the Youth Club. They were both informed by email the following day, and advised that a letter would follow after discussions with the staff involved, letters were sent to all the staff to arrange face to face meetings to discuss this. The Village Hall have indicated that they would, reluctantly, take on their cleaner employment.

The Youth Club have stressed their concerns about their ability to employ anybody and went onto social media to announce the closure of the youth club.

Future Action

At present the meetings with staff have not taken place, but will do shortly. At present there has been no formal letters, including end dates, and 1 month's notice is required, so the staff remain employed on the same basis as before.

Clarification is needed on a number of issues before the next meeting of the parish council so that the situation can be reviewed there and decisions reviewed.

- 1) The ability of the parish council to employ people, effectively on behalf of other organisations, and how that affects our duties as their employer.
- 2) The ability of the Youth Club to employ anybody due to their governance status is still not understood and appears to be at variance with my research with HMRC which indicates that committee led groups can register as an employer and actually would not even have to register at all depending on the circumstances.
- 3) If the youth club are unable to employ someone or sign a license (their words on Facebook), what is the status of the occupational license they signed to use the parish council facilities at the Brimp?

I am expecting a view from our legal advisors this week and will put that to the council.

I stress that there are no discussions or intentions to close the Youth Club or sell off the Brimp, in fact there is a clear indication to work with them and improve the facility.



Chris Fribbins, Parish Clerk