



**Malvern Hills Trust**

**Meeting of the**

**STAFFING COMMITTEE**

**Thursday 7 January 2021 7.00 pm**

By Video/telephone conference

Live stream on YouTube: <https://bit.ly/3dbH2AW>

## Meeting of the Staffing Committee

By Video/telephone conference

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Thursday 7 January 2021 7.00pm

Members: Mr D Baldwin, Mr R Bartholomew, Mr M Davies, Mrs H I'Anson, Ms S Rouse, (non-voting), Mrs C Palmer, Prof J Raine, Mrs G Rees.

- |   |               |
|---|---------------|
| 1. Election of Chair  | Pages i, ii   |
| 2. Election of Vice-Chair   | Pages iii, iv |
| 3. Apologies for absence  |               |
| 4. Chair's announcements  |               |
| 5. Declaration of Interests   |               |
| 6. Public comments  |               |
| 7. Matters arising from previous meeting not otherwise on agenda  |               |
| Testing of vibrating equipment,   |               |
| Recruitment   |               |
| Reviewing job descriptions  |               |
| 8. Update on Health and Safety Issues   | Paper A       |
| 9. Staff overtime and annual leave  | Paper B       |
| 10. Review of Staff at Confidential Meetings and Equality and Diversity policies  | Paper C       |
| 11. Urgent Business   |               |
| 12. Date of next meeting 1 April 2021   |               |
| 13. Confidential business   |               |
| Resolution to exclude the public for discussion of items 14 - 15 on the agenda on the grounds that publicity would be prejudicial to the public interest by reason of the exempt or confidential nature of the business to be transacted (personnel matters). |               |

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### Confidential

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|-------------------------------------|---------------|
| 14. Update from Ad Hoc Committee    | Verbal update |
| 15. CEO's appraisal & salary review | Verbal update |



Nomination Form: Chair of Staffing Committee

To be completed by nominator and seconder

We, the undersigned wish to nominate CYNTHIA PALMER as Chair of Staffing Committee for the year 202021. If the nominee is not elected as Chair, we wish/do not wish\* to nominate him/her\* as Vice-Chair.

	SIGNATURE	PRINT NAME
NOMINATED BY		D. A. CORE
SECONDED BY		MICK DAVIES

TO BE COMPLETED BY NOMINEE

I agree to be nominated for the role of Chair of Staffing Committee. I have read the role description. I understand the responsibilities of the role and have attached a statement in support of my nomination. If I am not elected as Chair, I agree ~~do not agree~~\* to stand for election as Vice-Chair.

	SIGNATURE	PRINT NAME
NOMINEE		CYNTHIA PALMER

To be returned by 5pm 16 December 2020

\*Please delete as appropriate

**Statement in support of nomination to the role of Chair of Staffing Committee**

Name: CYNTHIA PALMER

I have been the Chair of Staffing Committee for the past year and have enjoyed my role, but the work has only just begun.

Supporting our staff is paramount to me and reviewing job descriptions and salaries will be an important part of this committee's work for the next 12 months.

I hope that I will be able to continue as Chair.



Nomination form: Vice-Chair of Staffing Committee

To be completed by nominator and seconder

We, the undersigned wish to nominate.....Gwyneth Rees..... as Vice-Chair of Staffing Committee for the year 2020/21.

	SIGNATURE	PRINT NAME
NOMINATED BY		John Raine
SECONDED BY		CYNTHIA PALMER

TO BE COMPLETED BY NOMINEE

I agree to be nominated for the role of Vice-Chair of Staffing Committee. I have read the role description. I understand the responsibilities of the role and have attached a statement in support of my nomination.

	SIGNATURE	PRINT NAME
NOMINEE		Gwyneth Rees

To be returned by 5pm 16 December 2020

**Statement in support of nomination to the role of Vice-Chair of Staffing  
Committee**

**Name:**

I have been a member of the Staffing Committee since it's inception and have enjoyed the chance to meet with other trustees to discuss employment and health and safety matters and work with staff to develop continued good practice within the Trust. During the time I have been on this committee I have been nominated as the Trustee to whom Staff may contact if they wish to discuss personal work problems within the Trust.

I would, therefore like to be considered for the post of Vice Chair of Staffing.

**Staffing Committee**  
**Health and Safety Report**  
7th January 2021

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**1 Health and Safety Incidents**

*Notifiable Accidents in last 12 months:* None

*Reported Accidents in last 12 months* 2

*Reported Accidents: 10/09/20 to 17/12/2020* None

*Reported Near Misses: 10/09/20 to 17/12/2020* None

**2 First Aid Training**

Three field staff have had refresher courses namely 'Emergency First Aider' and 'First Aider at Work' in the past two months. Two other staff are due to have refreshers in February.

**3 Covid precautions**

Covid-safe working practices for all staff and volunteers continue to be implemented in line with published Government guidelines. Logging of staff attendance in compliance with Track and Trace requirements is ongoing. Cleaning regime including Covid precautions remains in place for both Top Shed and Manor House. Precautions to minimise visitors to Manor House remain in place.

**4 Hand Arm Vibration precautions.**

Manufacturers' vibration levels in relation to equipment in use by MHT staff (particularly chainsaws and brush cutters) have been obtained and logged. Maximum operator duration times for these machines have been established. Two infrequently used pieces of equipment require testing.

D Bridges  
CEO  
17/12/2020

## Staffing Committee Staff leave and overtime 7<sup>th</sup> January 2021

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At the last meeting of the Staffing Committee, we discussed the high amounts of overtime and untaken leave being carried forward by some members of staff.

The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. At 31<sup>st</sup> March 2020 a total of 98 days leave was untaken, for which a 'cost' of £12,537 was carried in the accounts. For the majority of staff the number of days carried forward ranged from 1-5, but three members of staff carried forward 27, 22 and 13 days each.

The Committee asked for a report on leave balances for this meeting. As we are part way through the leave year, the balances will reduce if staff take leave in the last quarter of the leave year.

At the end of November, there were 292 days of untaken leave, which is 65% of the annual leave total. This is higher than you might expect in a normal year, as we are 2/3rds of the way through the leave year and the summer months have passed.

The total hours of overtime carried forward at the end of November 2020 stood at 267 (36 days).

The issue of untaken leave and overtime is a common one, with additional demands being made on organisations during the COVID-19 pandemic. Organisations which require staff to use all their leave and TOIL by the end of the leave year run the risk of having a high number of staff off at once, causing operational problems. Recognising this, the government issued a Statutory Instrument (2020 No. 365) 'Terms and Conditions of Employment'. This amends the Working Time Regulations 1998, to allow employees who have been unable to take leave as a result of the coronavirus to carry forward leave for the following 2 leave years.

The regulations only relate to statutory leave (20 days per annum, pro rata for part time staff) and they do not cover bank holidays, enhanced leave and overtime. Under the Statutory Instrument, staff will be able to carry forward up to 20 days' leave from 31<sup>st</sup> March 2021, to be used by 31<sup>st</sup> March 2023.

MHT staff have 25 days leave (rising to 30 after 5 years' service), plus 10 bank holidays. Based on current balances, if 20 days can be carried forward:

- 6 employees would lose leave and so would be forced to take leave in the next 3 months rather than losing it,
- Adding in TOIL increases this to 7 employees.

MHT's current policy, as stated in the Employee Handbook, is that up to 7 days' annual leave may be carried forward, at the discretion of the CEO. The requirement is for TOIL to be taken within 1 month wherever possible.

The Statutory Instrument over-rides the 7-day policy on 20 days annual leave. However, it would be in the interests of both staff and the organisation to allow staff to carry forward all of their

annual leave plus TOIL for this extended period, to avoid a rush to take leave before 31<sup>st</sup> March 2021.

### **Recommendation**

That the Staffing Committee recommend to the Board:

1. that the carry forward provisions for staff annual leave in the Employee Handbook have the following added – ‘to allow all untaken annual leave (including bank holidays) as at 31<sup>st</sup> March 2021 to be carried forward and used before 31<sup>st</sup> March 2023’,
2. that the carry forward provisions for TOIL in the Employee Handbook has the following added – ‘that overtime balances outstanding at 31<sup>st</sup> March 2021 can be carried forward, to be used before 31<sup>st</sup> March 2023’.

Cheryl Gentry  
Finance & Administration Manager  
30<sup>th</sup> November 2020

**Staffing Committee**  
**Review of policies**  
**7<sup>th</sup> January 2021**

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The 'Equality and Diversity' policy and the policy on staff attendance at confidential parts of Board and Committee meetings are due to be reviewed.

Revised policies are attached for the Staffing Committee to consider.

**Recommendation**

That the Staffing Committee review both draft policies and approve versions to be sent to the Board for adoption.

Cheryl Gentry  
Finance & Administration Manager  
16<sup>th</sup> December 2020



## **Equality and Diversity Policy**

### **1. Our aim**

1.1 In carrying out its functions Malvern Hills Trust is committed to promoting equality of opportunity for all and to ensuring that no individual is discriminated against in the planning and delivery of any of our activities.

1.2 We therefore aim to ensure that the values of equality, diversity, and respect for all are embedded into everything that we do.

1.3 This policy is intended to demonstrate our commitment to eliminating discrimination and encouraging and valuing diversity among staff, volunteers and trustees.

### **2. Statement of policy**

2.1 We recognise our responsibilities under the Equality Act 2010 and are committed to meeting them in full. We believe that a culture that embraces equality and values diversity will help us to ensure that everyone feels involved and included in our plans, programmes and activities.

2.2 We aim to create an environment which respects and welcomes everyone and in which no form of bullying, harassment, disrespectful or discriminatory behaviour is tolerated by anyone towards anyone. This particularly applies in relation to the “protected characteristics” named in the Equality Act 2010, namely:

- Age (or perceived age)
- Disability (past or present)
- Gender reassignment
- Marriage or civil partnership status
- Race, colour, nationality, ethnic or national origins
- Religion or belief
- Sex
- Sexual orientation
- Maternity, pregnancy or family leave

### **3. Our responsibilities**

3.1 We understand that for equality to be achieved this policy needs to be made understandable to and embraced by staff, volunteers and trustees.

3.2 This policy will be subject to agreement with any trade union which staff choose to join or to which they belong. The policy has been agreed by our Board of Trustees.

3.3 All staff, volunteers and trustees have a responsibility to ensure that their own language and actions are consistent with the spirit as well as the contents of this policy.

3.4 Overall responsibility for the implementation of this policy lies with the CEO and our Board of Trustees.

## **4. Our commitments**

4.1 We recognise that an Equality and Diversity Policy alone is not enough to ensure that equality and diversity are central to everything that we do.

4.2 We will seek to create an environment in which diversity and the contributions of all staff, volunteers and Trustees are recognised and valued in all that we do. In this way we hope to provide an example of good equality and diversity practice and promote community cohesion within our community.

4.3 In introducing this policy we recognise that many people are unfamiliar with the ways in which discrimination and disadvantage affect people's health, well-being and quality of life. We will therefore support people to develop equalities awareness and understanding.

4.4 To ensure that we are meeting the aims and the spirit of this policy we will:

- Discuss and review how well we are implementing this policy, and adjust our practices and develop a rolling action plan where necessary,
- Assess any significant new or revised policies and procedures for their impact on equality,
- Embed equality and diversity into our development plans and
- Ensure our employment practices and procedures are consistent with the aims of this policy.

4.5 We are committed to:

- using accessible venues for events and meetings and
- using plain English and offering accessible communications, for example, emails, letters, reports and publicity materials in suitable format as far as it is within our means to do so.

## **5. Review and Action**

5.1 We recognise that it is important for us to review this policy regularly to ensure that it reflects up to date equality legislation and best practice.

5.2 A review of our Equality and Diversity Policy will be carried out on an annual basis as a minimum and any necessary actions taken.

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## Policy on attendance by staff during discussion of confidential items and Board/Committee meetings

There is a need to strike a balance between:

- Board members feeling able to have open and honest discussions,
- protecting confidential information relating to individuals,
- creating a sense of openness, trust and transparency between staff and the Board and
- the Board having the benefit of input from relevant staff when debating issues.

Therefore staff members (other than the CEO and the Secretary to the Board) should be excluded where the Board are discussing matters relating to:

- sensitive discussions regarding employment terms and conditions of the staff team as a whole (e.g. the future of the pension scheme),
- the terms and conditions of employment of an individual member/members of staff and
- issues such as the performance of a member of staff, a disciplinary matter relating to a Board member or member of staff, a grievance raised by a Board member or member of staff – or any other sensitive HR issue.

Staff members should be allowed to remain in attendance at Board/Committee meetings for all other discussions of confidential agenda items. We are encouraging staff to attend Board and Committee meetings in order to gain a greater understanding of how and why the Board reaches its decisions. It is therefore not helpful to exclude staff unnecessarily.

This policy to be reviewed at the end of the term of office of the current Board.