

# **MALVERN HILLS TRUST**

## **Staffing Committee**

**Manor House, Grange Road, Malvern**

**Thursday 4 January 2018, 7.00 pm**

Present: Mr D Baldwin, Mr M Davies, Dr P Forster, Mr C Penn, Mrs G Rees, Ms S Rouse, Ms H Stace (Chair).

In attendance: CEO, Secretary to the Board, Finance and Administration Manager, Dr S Braim.

Ms Stace welcomed everyone to the meeting.

**1. Appointment of Chair**

There was one nomination, and Ms Stace was elected unopposed.

**2. Appointment of Vice-Chair**

There were no nominations, but Mrs Rees indicated her willingness to stand and was therefore elected unopposed.

**3. Apologies for absence**

Prof J Raine, Mr A Golightly.

**4. Chair's announcements**

There were none

**5. Declaration of interests**

There were none relevant to the agenda.

**6. Times and dates of meetings**

The next scheduled Committee meeting fell on 5 April which was Easter week. It was agreed to move the meeting to 29 March.

**7. Update on Health and Safety Issues**

The CEO went through his report. He pointed out that there was a distinction when reporting accidents involving members of the public, depending on whether they resulted from natural hazards or MHT-installed infrastructure.

He had received conflicting advice on whether fire extinguishers should be fitted in tractor cabs. Mr Baldwin said there was no legal obligation, but it was necessary to assess the risks.

Dr Forster said that he felt it would be helpful for some members of staff to have mental health first aid training. The CEO said he would enquire about training providers. He was also looking at training for staff on the use of defibrillators and auto-injectors. The CEO confirmed that the required number of staff had undertaken the 3 day First Aid at Work course, whilst others had completed a one day emergency first aid course. Ms Rouse suggested Dementia Awareness training might also be

helpful. And it was agreed that this might be useful for the Wardens and the public-facing administrative staff. The CEO was asked to look into this.

#### **8. Health and Safety Policy**

The CEO went through his proposals for a revised Policy, a draft of which was annexed to the paper. It was a statement of the Trust's responsibility to its staff and volunteers, and their obligations to take care of themselves and others and to comply with the Trust's policies and procedures. The Policy also set out the responsibilities for Health and Safety and the RIDDOR requirements.

The CEO suggested that the draft should be amended to make it clear that overall responsibility for Health and Safety lay with the Board and not the Staffing Committee. He also suggested amending the reporting requirements on page 5 to clarify what was meant by "MHT premises".

Mr Baldwin pointed out that the RIDDOR 2013 document set out in the policy was an update and the original RIDDOR regulations still existed.

Mr Davies asked if the reference to volunteers might be made more prominent and the policy should also make reference to reporting near misses. More generally, he thought it was important that there should be a reporting hierarchy for accidents involving members of the public, to ensure that they came to the attention of the right person, and/or the Board. Mr Baldwin said it was important that the Trust had the fullest possible record of reports of all incidents in case there was a subsequent claim.

Mr Baldwin said he had also suggested the provision of a "Safety Observation and Defect" slip on which staff could record any concerns.

Ms Stace said that the Wildlife Trust's Policy contained a statement that every member of staff had a responsibility to comply with the Trust's Health and Safety requirements.

It was agreed that the CEO would revise the Policy for submission to the Board for approval.

#### **9. Update on Deputy Conservation Officer post**

Mark Roberts' contract had not been extended and he had left MHT in December. MHT were still awaiting formal confirmation that it had been awarded Countryside Stewardship grant funding— a letter of complaint had been submitted to Natural England about the delay. The Conservation Manager was satisfied that he and the Community and Conservation Officer (with help from the Wardens and Volunteers) could cover in the short term, and once funding was confirmed, the job specification would be revised with a view to recruiting a replacement.

#### **10. Staff expenses for attending evening meetings**

The CEO went through the paper and invited committee members to discuss what might be included in the policy. Ms Stace was aware that other organisations had policies to cover employee expenses for attending out of hours meetings and therefore it should be possible to ascertain what they allowed, for comparison. The Committee members variously suggested:

- An allowance for meals, given the kitchen had no facilities for preparing food.
- Payment for travel back to the office from home for an evening meeting.
- The policy could have an impact on diversity as a single person might not have a family member available to cover for their responsibilities out of hours.
- Mr Baldwin was concerned about allowable rates for expenses and whether they would be taxable. He said an alternative would be overtime payments.
- Another alternative was a simple system with a payment of a fixed allowance.
- The principle should be reimbursement of expenses actually incurred.
- Employment contracts generally provided that employees could be required to work additional hours. (Although contracts could be amended)
- Expenses claims would be signed off by the line manager who would make a judgement about the claim. There would need to be guidelines or limits.

Ms Stace asked that a draft policy be prepared on the basis that employees should be reimbursed receipted expenses, including extra travel costs or a meal allowance for staff who remained at the office. There should be overall limits, but payments within that should be at the discretion of the line manager.

#### 11. Lone worker policy

The CEO went through the paper. The existing Lone Working section in the Staff Handbook required amendment in line with recommendations from Keith Tomkins. The re-drafted section of the handbook was annexed to the paper.

It was **AGREED** to recommend adoption of the amended Lone Worker section of the Staff Handbook and the Lone Worker Policy to the Board

#### 12. Delegation of duties in CEO's absence

The CEO went through the paper. The recommendation was in a slightly amended form to the delegation used in September, to include a specific reference to Health and Safety matters.

On the proposal of Ms Stace, it was **RESOLVED** unanimously to recommend to the Board that:

During the CEO's absence from work and when a function or duty of the CEO could not reasonably be postponed until his return:

- i The Secretary to the Board be authorised (save as set out in (iv) below) to exercise all the functions and duties of the CEO, including the signing of deeds, documents and contracts.
- ii Operational responsibility for Health and Safety matters, and in particular actions required under RIDDOR be passed to the Secretary to the Board, or in his or her absence, another member of the management team.
- iii The Secretary to the Board be appointed as Returning Officer.
- iv The Finance and Administration Manager be authorised to make any payments up to the limit of the authority of the CEO, such payments to be countersigned by the CEO on his/her return.

#### 13. Summary of Insurance Cover-for information

This paper had been prepared by the Finance and Administration Manager to provide information on the insurance policies taken out by the Trust, in relation to staff. She drew attention to the personal accident and travel policy. It was not clear why the policy had been set up, whether for the benefit of the employees or to provide a sum of money to the Trust in the event that a mishap befell one of the employees. A claim under the policy was payable to MHT. The feeling amongst Committee members was that it should cover Trust expenses arising out of an accident. Mrs Rees thanked the Finance and Administration Manager for preparing the paper.

#### **14. Terms and conditions for staff in the direct contribution pension scheme**

Ms Stace suggested that the first step, prior to considering benefits which might be provided for the employees belonging to the Defined Contribution (DC) Pension Scheme, was to carry out the job evaluation exercise, scheduled to take place under the Business Plan during 2018. Ms Stace proposed that the Committee defer consideration of the second part of the paper until the outcome of the job evaluation was available.

The Finance and Administration Manager confirmed that no new Schemes had become available since the DC Pension Scheme was set up and the People's Pension remained the best option available.

On the proposal of Ms Stace, it was **AGREED** to recommend to the Board that MHT continue to use the People's Pension as the provider of its auto enrolment pension scheme, subject to a review every 3 years.

The CEO was asked to take the job evaluation forward and he indicated he would contact Sandy Green, the Trust's HR advisor.

#### **15. Appraisal process for CEO**

The Secretary to the Board pointed out that she had omitted to make it clear in the paper that the proposed process moved the responsibility for recommending the remuneration of the CEO to the Board from the Staffing Committee to a newly formed Remuneration Panel. The draft procedure which accompanied the paper was intended as guidelines for those involved in the process. It was important that something was in place for the 2018 appraisal which was due to start immediately, but it would be an evolving process and would be re-assessed once this year's appraisal had taken place. Mr Penn went through the draft procedure. The Committee were supportive of having a second person involved in the appraisal for the reasons set out in the paper and as a safeguard against the Chair and CEO being too close. Mr Forster said that the most popular form of appraisal at present was a 360° but this might not be practical for the Trust. However, he did favour involving 2 people in the appraisal process and that they should make an equal contribution – he thought this led to better quality decisions. He also suggested avoiding using gender specific language. Mr Freeman thought it would be helpful to have a second person involved in the appraisal, who possessed the relevant skill set.

Dr Braim wondered whether the process should include an indication of how the milestones were set.

Ms Stace went through the appraisal form and explained that the performance objectives would be set at the beginning of the year. They should be drawn out of the Business and Land Management Plans and any other current issues and delivery against the targets would be assessed after 6 and 12 months. At the year end, as well as looking at delivery, the new targets for the coming year would be developed. The purpose of the other part of the form was to ascertain what self-development or training might be needed.

Mr Forster suggested that the competency framework could be refined. The CEO felt that the form was rather long and if it was repetitive, it was easy to lose focus. He suggested using it this year and noting which parts were useful and which could be cut down.

On the proposal of Ms Stace, seconded by Mr Penn, it was **RESOLVED** unanimously to approve the appraisal process and form and to recommend their adoption by the Board.

#### **16. Policy on complaints and dealing with abusive, persistent or vexatious complainants**

The Secretary to the Board went through the paper. There were some small changes recommended to the complaints procedure. The new item was a Policy on dealing with Abusive, persistent and vexatious complainants. This should rarely be used, but it was needed as a protection both for the staff and for the Trust.

Responsibility for deciding how to deal with issues arising lay with the CEO.

Mrs Rees asked if the Trust had the facility to record phone calls, and the CEO said that it was something which was being investigated. Mr Freeman suggested adding volunteers into the definition of complaint. Mr Davies suggested adding the aim of protecting the Trust into the purposes of the policy.

On the proposal of Ms Stace, seconded by Mrs Rees it was **RESOLVED** unanimously (subject to the amendments above) to recommend the adoption of the 2 policy documents to the Board.

#### **17. Items for future meetings**

There were none.

#### **18. Urgent business**

There was none.

#### **19. Resolution to exclude the public**

On the proposal of Ms Stace, seconded by Mr Penn, it was **RESOLVED** unanimously to exclude the public for discussion of the remaining item 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 (staffing matter).

**The meeting closed at 8.55pm**