



Malvern Hills Trust

Staffing Committee and Governance Committee

Special Joint Meeting

Thursday 2 May 2024 6.00 pm

**Guesten Room,
Lyttelton Well,
Malvern, WR14 2AY**

Special Meeting of Staffing & Governance Committees

Guesten Room, Lyttelton Well, Malvern WR14 2AY

Thursday 2 May 2024 at 6 pm

Staffing Members: Mr C Penn (Chair), Mr D Baldwin, Mr R Bartholomew, Mrs C Palmer, Prof J Raine, Mrs F Victory, Mrs S Wren.

Governance Members: Mr J Michael (Acting Chair), Mr R Bartholomew, Mr P Clayburn, Mr D Core, Mr D Fellows, Mr C Penn, Prof J Raine.

1. Election of new Chair of Governance Committee
 2. Apologies for absence
 3. Declarations of Interest
 4. Public comments
 5. Staff Trustee Protocol Paper A
 - a. To review the draft Protocol and to resolve that the Board should note that:
 - i. the Protocol will henceforth be incorporated into MHT's procedures
 - ii. a review of the Protocol's effectiveness will be undertaken in 12 months' time and adjustments made as necessary
 6. Adoption of changes to the Staff Handbook (Staffing Committee only) Paper B
 7. Urgent Business
 8. Date of next meeting(s)
 9. Confidential items:
Resolution to exclude the public for discussion of items 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 (matters relating to individuals).
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10. Procedure outcome - *Governance Committee only*

24 April 2024

STAFF/TRUSTEE PROTOCOL – PAPER FOR MHT BOARD 9TH MAY 2024 [VIA GOVERNANCE AND STAFFING COMMITTEES]

1. BACKGROUND

1.1 At their meeting on 7th March 2024, the Malvern Hills Trust (MHT) Board resolved unanimously to:

- establish a working group (WG) comprising a member each of Staffing and Governance Committees and two members of staff, tasked with drafting a protocol outlining good practice for Trustees in their interactions with members of staff;
- ask the WG to complete the draft protocol in time for consideration by Staffing and Governance Committees before submission to the May meeting of the Board.

1.2 This followed the Board's acceptance of the recommendations of an informal Staff Report¹ by members of the MHT Staffing Committee concerning Staff turnover and Trustee behaviour, commissioned by the Board in response to a letter of concern from MHT Staff members.

1.3 The core insight in the Staff Report was:

8.1 There is a range of factors adversely affecting turnover, staff morale and the effective delivery of MHT's objectives, but the core issue is apparent misunderstanding on the part of some trustees about the division of responsibility between the Board and the Executive staff. At the moment many staff feel constrained and undermined by the Board, rather than supported and enabled. There needs to be a fundamental shift in the relationship between trustees and staff, in order to regain balance between good governance and effective operational delivery.

8.2 In addition to setting MHT's strategic direction, the Board must ensure it carries out its purposes for the public benefit, complies with governance documents, acts in the charity's best interests, manages resources responsibly, acts with reasonable care and skill, is accountable and reduces the risk of liability². MHT has a well-established system of committees, with an accompanying scheme of delegation, through which these responsibilities should be exercised. Some trustees, however, appear not to understand what is meant by Board vs Executive staff responsibilities, resulting in too many information requests coming directly to staff, who then struggle to prioritise and manage their day-to-day work.

8.3 Understandably, occasionally trustees will need to seek advice and information from the Executive, but many MHT employees feel besieged by trustee queries, and that the amount of time they spend responding to them is not sustainable.

2. DRAFT PROTOCOL FOR STAFF/TRUSTEE INTERACTIONS

2.1 In accordance with the Staff Report's recommendations about Trustee behaviours and interactions with Staff, which were accepted by the Board, the WG has drafted a Protocol covering the following areas:

¹ Malvern Hills Trust – report of trustee/staff conversations conducted following a letter of concern from staff to trustees dated 29th November 2023.

² Source: Charity Commission Guidance 'The essential trustee, what you need to know, what you need to do (CC3)' [The essential trustee: what you need to know, what you need to do \(CC3\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/the-essential-trustee-what-you-need-to-know-what-you-need-to-do-cc3)

- Guidance on the difference between Board and Executive Staff responsibilities, and what this means for Trustee/Staff interactions.
- Guidance on how Trustee requests for information, appropriate and limited to their board-level roles, should be raised.
- A formal procedure for logging Trustee information requests and assigning them (to enable the Executive to manage and prioritise Staff workloads fairly, have an overview of the questions coming into the organisation, and answer them in a consistent and timely manner).
- Advice to Staff on how to deal with inappropriate questions from Trustees.
- Safeguards around Trustee meetings and phone calls with staff.
- Training about the different roles of the Board and the Executive staff.

2.2 The Protocol also incorporates:

- Recommendation 9.6 – Terms of Reference (TOR) for the Trustee Staff Points of Contact (POCs).
- Recommendation 9.7 – proposed annual programme of informal Staff/Trustee events to encourage mutual understanding of roles and responsibilities.

2.3 The following recommendations, relating to Trustee behaviours and interactions with Staff, are being addressed through the Staffing and Governance Committees:

- If an allegation of inappropriate behaviour by a Trustee towards a member of Staff is brought to the attention of the Board, the Board should ensure it is properly investigated. If necessary, the Chair should take appropriate disciplinary action.
- If a Trustee refuses to sign the Code of Conduct, the Board should consider limiting their participation in committee work.

2.4 Terms of Reference for the Staff/Trustee Protocol WG are at Annex A.

2.5 The draft Staff/Trustee Protocol (incorporating the Trustee Staff POC role) is at Annex B.

3. PROPOSAL

3.1 That the Board notes that:

- the Protocol will henceforth be incorporated into MHT's procedures;
- a review of the Protocol's effectiveness will be undertaken in 12 months' time and adjustments made as necessary.

Deborah Fox, CEO – Project Sponsor

Annexes:

A Staff/Trustee Protocol Working Group TOR.

B Protocol for Staff/Trustee interactions (incorporating the Trustee Staff POC role).

STAFF/TRUSTEE PROTOCOL WORKING GROUP TERMS OF REFERENCE

Composition: Two Staff members; one Trustee representative of Governance Committee; one Trustee representative of Staffing Committee; and a Convenor.

As directed by the MHT Board at their meeting on 7th March 2024, **the Working Group (WG)** is responsible to the Board, via the Chairs of the Governance and Staffing Committees, for drafting a Protocol for Staff/Trustee interactions.

The **Project Sponsor (CEO)** is responsible for :

- Advising the Working Group and receiving updates from it as required.
- Providing updates and final report to the Board, within the context of the wider recommendations in the Staff Report³.
- Maximising the outcomes and benefits of the project.

WG members are responsible for:

- bringing their own perspectives on Staff/Trustee interactions;
- helping to identify aspects of Staff/Trustee interaction that require a protocol;
- attending and contributing to project progress meetings;
- assisting with researching and drafting aspects of the Protocol;
- consulting with Staff/Trustees as agreed by the WG;
- working in collaboration with other WG members, including being prepared to adjust wording in order to achieve consensus;
- assisting with the presentation of the finished Protocol to the Board; and
- participating in future reviews of the Protocol, as required.

The Convenor is responsible for:

- arranging and chairing meetings;
- collating work;
- undertaking any additional drafting and maintaining copy control.

³ Malvern Hills Trust – report of trustee/staff conversations conducted following a letter of concern from staff to trustees dated 29th November 2023.

PROTOCOL FOR STAFF/TRUSTEE INTERACTIONS

EXECUTIVE SUMMARY

(1) Overview - Board and Executive Staff Responsibilities

(a) There will always be some degree of overlap between governance and management; the key to the successful running of an organisation is how well this overlap is managed by Staff and Trustees.

(b) In a professionally staffed organisation like the Malvern Hills Trust (MHT), the roles of Staff and Trustees are largely discrete, with the Trustees' role being to govern the charity and the Staff's to implement policies and strategy and manage the organisation on a day-to-day basis: *'Trustees steer, Staff row'*.

(c) The MHT Trustees Code of Conduct states, at Clause 17: *'Accept my role as a Trustee is strategic and about setting policy, while that of the Trust's Staff is of an executive and operational nature, and respect that role distinction'*. This means that ultimately the CEO is responsible for managing the Staff and the Chair is responsible for managing the Trustees. The Chair does act as line manager to the CEO, but this is on behalf of the Board; in other words the Chair speaks for the Board, not as an individual⁴.

(d) A programme of Trustee training will be developed, including on the difference between Board and Executive responsibilities.

(2) Creating an inclusive culture - behaviour 'dos and don'ts'

(a) The way in which individuals behave towards each other is fundamental in maintaining a culture at MHT in which everyone, be they Staff, Volunteers or Trustees, is treated fairly and no form of bullying, harassment, disrespectful or discriminatory behaviour is tolerated⁵.

(b) When meeting Staff, whatever the circumstances, Trustees should say who they are.

(c) Respecting the division of responsibility between the Board/Trustees and the Executive Staff, Trustees should not:

- issue instructions or orders to Staff members; and constantly check up on progress;
- lobby or try to influence Staff members;
- turn up at Staff work premises without previously making an appointment;
- ask Staff members probing questions about their opinion on MHT policies (internal or external) or Board decisions;
- watch or follow Staff members around;
- openly criticise the work of Staff members;
- berate Staff members - either 1:1 or in front of others;
- question Staff members about their qualifications for the job;
- expect staff to respond outside their normal working hours.

(d) Staff members who feel they have been in receipt of any of these behaviours have been told to inform their line manager. If a Staff member does not know the answer to a question they will politely say so, and where appropriate, point the Trustee towards the 'Guidance for Trustees on how to ask Staff questions or request information' - Appendix 1.

(e) If a Trustee has a question or concern about a Staff member, they may raise it with the Chair who will, if necessary, raise it with the CEO at their regular meeting.

(f) A Staff member may raise an issue concerning a Trustee/Trustees with a Trustee Staff Point of Contact (POC) using the process at Appendix 2 (see Section 6 below).

⁴ Governance Handbook page 12 para 1 bullet 1.

⁵ See [edi-policy-approved-march-2024.pdf \(malvern hills.org.uk\)](https://www.malvern hills.org.uk/edi-policy-approved-march-2024.pdf)

(3) How to ask the Staff questions or request information

(a) Trustees wishing to provide information, ask questions or request information from staff should route their enquiries using the Flowchart and online Referral Form referred to at Appendix 1. Exceptions to this are where Trustees:

- are officers or members of Committees undertaking a task that is part of the ongoing work of a Committee, such as meeting preparation;
- are members of working group, as directed by the Board or CEO operationally, where frequent interaction with Staff members may be needed for a discrete period in order to complete a piece of work.

In such circumstances, Trustees may contact the relevant member of staff direct.

(b) Trustees without online access may send their enquiry in hard copy to the Secretary to the Board (SttB).

(c) All Referral Forms will be logged, prioritised, assigned and tracked.

(d) Where Trustees have minor administrative requests or wish to comment on Board or Committee papers or minutes, they should contact the SttB as per the process in (4) below.

(e) Staff will do their utmost to source information and respond in a timely manner.

(f) Since the Board has collective responsibility⁶ it will be assumed that if information is required by one Trustee, it is required by all. As a general rule, therefore, it will be shared with the whole Board via email and the Trustee area of the web site.

(g) Any correspondence should be conducted in polite and civil terms.

(4) How to comment on meeting minutes, policy docs, etc.

(a) Commenting on Board and committee papers. Trustees can notify comments and suggested changes in advance of meetings, by email to the SttB who will forward them to the document's author for consideration.

(b) Commenting on minutes of meetings. Board members should advise the SttB of any minor amendments (typos etc). If they wish to make any changes to the content of the draft minutes, they should contact the Chair of the meeting. It is then up to the Chair to progress any changes with the SttB. NB Minutes are not designed to be a verbatim record of the meeting.

- draft minutes will be agreed prior to their adoption at the next meeting, but Trustees do have the right to propose amendments at the next meeting if they are not content.

(5) Meetings and phone calls with staff

(a) Trustees wishing to meet with a member of Staff should submit the online Referral Form referred to at Appendix 1 to the SttB. Sufficient notice needs to be given and any such meeting should be held on MHT premises.

(b) Unless covered by the circumstances set out at 3(a) (above) Trustees are discouraged from calling Staff members directly by phone. Should they do so, Staff may fill out a Referral Form on their behalf and their query will be processed along with all other questions and requests for information and given an appropriate priority.

(6) The role of the Trustee Staff Point of Contact

(a) The role of the Trustee Staff POC is to help engender a positive relationship between Staff and Trustees. However, a Staff member may raise an issue concerning a Trustee/Trustees with a Trustee Staff POC using the process at Appendix 2

(7) Informal Staff/Trustee events

(a) Staff members are welcome to attend Board and Committee meetings. In addition, Staff and Trustees are encouraged to participate in a programme of annual work-related events and social events, better to understand their respective roles and build relationships.

⁶ As set out in the MHT Trustee Code of Conduct, Clause 16.

1. BOARD AND EXECUTIVE STAFF RESPONSIBILITIES

1.1 Charity Commission Guidance 'The essential trustee: what you need to know, what you need to do (CC3) sets out the role and responsibilities of Trustees, which in turn are reflected in the MHT Governance Handbook. Guidance about the essential differences between the roles of the Board (Trustees) and the Executive (Staff) is available from a number of sources. The following extracts are taken from 'The Charity Administration Handbook', a reputable first point of reference for charities, and provide useful background to the MHT Protocol.

'What is Charity Governance

6.3 The word 'governance' derives from a Greek word meaning to steer. It has been defined as:

- what a governing body does;
- the process through which organisations are directed and controlled;
- relating to decisions that define expectations, grant power; or verify performance;
- a collective effort to take actions that advance a shared purpose consistent with the institution's mission;
- being about creating the future, not minding the shop; and
- being not necessarily about doing; it is about ensuring that things are done'.

6.5 Some commentators argue that the division between governance and management is clear, but this is an over-simplification. They confuse governance with strategic management, and limit management to operational management. 'Governance' is not the same as 'management', but neither is it totally discrete. Governance is an integral part of the system by which organisations are managed and controlled. It is too complex and too dynamic to be reduced to a simple division of labour with trustees 'governing' and staff taking responsibility for day-to-day operational management.

Trustees should quite rightly focus most of their attention on issues of governance, such as setting long-term strategy and policy, but from time to time they will have to carry out management tasks, such as appointing, appraising and dismissing senior members of staff. Similarly, operational matters will be the main focus of the staff's work, but at times staff will have a most valuable input into governance issues. For example, staff input will be essential in setting strategic aims and direction. There will always be some degree of overlap between governance and management and the key to the successful running of an organisation is how well this overlap is managed by staff and trustees.'

'Roles

7.8 in large, professionally staffed organisation [*such as MHT*], the roles of staff and trustees become largely discrete, with the trustees' role being to govern the charity and staff's to implement the trustees' policies and strategy and manage the organisation on a day to day basis.....It is at this stage that one commentator's distinction between governance and management becomes clear: trustees steer, staff row'.'

1.2 The MHT Trustees Code of Conduct states:

17. Accept my role as a Trustee is strategic and about setting policy, while that of the Trust's Staff is of an executive and operational nature, and respect that role distinction.

1.3 This means that the CEO is responsible for managing the Staff, including dealing with any poor behaviour or other disciplinary matters. The Chair⁷ is responsible for managing the Trustees, including dealing with any poor behaviour or other disciplinary matters. The Chair does act as line manager for the CEO, but this is on behalf of the Board; in other words the Chair speaks for the Board, not as an individual⁸.

1.4 Confidentiality must be upheld by all in the case of complaints of any nature and no trustee or staff member's name should be circulated that is the subject of a complaint or disciplinary action unless in communicating the outcome of a procedure that now needs to be broadcast.

1.5 A programme of MHT Trustee training will be developed, including on the difference between Board and Executive responsibilities.

2. WHO ARE THE TRUSTEES?

2.1 Many MHT Staff members, particularly non-office Staff who spend most of their working days outside, do not know who the Trustees are. Some may not know what the Trustees' role is, particularly if they are new to the organisation.

2.2 Trustees' details are on the MHT website, and copies are on workplace notice boards, but Staff may not necessarily recognise an individual Trustee straight away when 'out and about'. When meeting Staff, therefore, whatever the circumstances, Trustees should introduce themselves and say who they are; otherwise, as far as the Staff member knows, they might be any member of the public.

2.3 Trustees should be mindful, in any interactions with Staff, that not every Staff member will be fully conversant with all MHT's policies and plans. Some are junior and new to the organisation, some work on very specific issues, others seldom come into the main MHT office, or they work part-time, etc.

3. CREATING AN INCLUSIVE CULTURE – BEHAVIOUR 'DOS AND DON'TS'

3.1 MHT is committed to creating a culture that embraces equality, diversity and inclusion. The way in which individuals behave towards each other is fundamental in maintaining such a culture, in which everyone, be they Staff, Volunteers or Trustees, is treated fairly and no form of bullying, harassment, disrespectful or discriminatory behaviour is tolerated⁹.

3.2 Trustees have a leading role in engendering an inclusive culture. Unfortunately, the behaviour of some Trustees has adversely affected some Staff members in the past and, consequently, the effective delivery of MHT's objectives, hence it is necessary to provide guidance about behaviours that are not acceptable when interacting with Staff.

3.3 Respecting the division of responsibility between the Board/Trustees and the Executive Staff, Trustees should not:

- issue instructions or orders to Staff members, and constantly check up on progress¹⁰;
- lobby or try to influence Staff members;
- turn up at Staff work premises without previously making an appointment;

⁷ With the support of Committees as per the Scheme of Delegation.

⁸ Governance Handbook page 12 para 1 bullet 1.

⁹ See [edi-policy-approved-march-2024.pdf \(malvern.org.uk\)](https://www.malvern.org.uk/edi-policy-approved-march-2024.pdf)

¹⁰ The follow-on can be quite persistent and is to be avoided e.g. 'what happened about X?; I've seen you haven't sorted out X' etc.

- ask Staff members probing questions about their opinion on MHT policies (internal or external) or Board decisions¹¹;
- watch or follow Staff members around, whether to monitor their activities or for any other reason. In some circumstances such behaviour could be construed as stalking.¹²
- openly criticise the work of Staff members;
- berate Staff members - either 1:1 or in front of others;
- question Staff members about their qualifications for the job;
- expect Staff members to respond outside their normal working hours or set timescales for responses such as 'by return'.

3.4 Staff members who have been in receipt of any of these behaviours and feel uncomfortable about it have been told to inform their line manager. If they are asked a question to which they do not know the answer they will politely say so, and where appropriate, point the Trustee towards the 'Guidance for Trustees on how to ask Staff questions or request information' at Appendix 1.

3.5 If a Trustee has a question or concern about a Staff member, they should raise it with the Chair who will, if necessary, raise it with the CEO at their regular meeting.

3.6 A Staff member may raise an issue concerning a Trustee/Trustees with a Trustee Staff Point of Contact (POC) using the process at Appendix 2 (see Section 6 below).

4. TRUSTEE QUESTIONS AND REQUESTS FOR INFORMATION

4.1 **Supporting Trustee Decision Making.** MHT is committed to ensuring that Trustees have all the information they need to take informed, strategic and governance decisions in the best interests of the charity. Guidance for Trustees on how to raise questions or request information that would assist them in their role is set out in 4.2 and 4.3 below.

4.2 **Guidance for Trustees on how to raise questions or request information.** Before asking a question of a Staff member, including the CEO, Trustees are asked to check first whether the info is already available on the MHT website. They should also consider whether it would be more appropriate to raise their question in the relevant MHT committee. Otherwise, Trustees wishing to raise a question with or request information from Staff should route their enquiries using the Flowchart and (where appropriate) online Referral Form, referred to in Appendix 1. (Only Trustees without online access may send their enquiry in hard copy to the Secretary to the Board (SttB)). Exceptions to this are where Trustees:

- are officers or members of Committees undertaking a task that is part of the ongoing work of a Committee, such as meeting preparation;
- are members of a working group, as directed by the Board or CEO operationally, where frequent interaction with Staff members may be needed for a discrete period in order to complete a piece of work.

In such circumstances, Trustees may contact the relevant member of staff direct.

4.3 Where Trustees have **minor** administrative requests or **wish to comment on Board or Committee papers or minutes**, they should contact the SttB as per the process in 4.7 and 4.8 below.

¹¹ For example saying things like 'the Board made a bad decision there didn't they?' or 'the CEO was wrong there eh, what do you think?'

¹² [What is stalking and harassment? | Police.uk \(www.police.uk\)](http://www.police.uk)

4.4 Referral Forms will be reviewed by the Secretary to the Board (SttB), if necessary in consultation with the CEO and relevant Staff members. All Referral Forms will be logged, prioritised, assigned to an appropriate person to respond to, and tracked. This system will enable the Executive to have an overview of the questions coming into the organisation, answer them in a consistent and timely manner and manage and prioritise Staff workloads effectively. Staff will do their utmost to source information requested and respond in a timely manner.

4.5 Trustees without online access may send their enquiry in hard copy to the SttB.

4.6 Since the Board has collective responsibility¹³, it will be assumed that if information is required by one Trustee, it is to the benefit of all. As a general rule, therefore, it will be shared with the whole Board via email and the Trustee area of the website.

4.7 Guidance for Commenting on Board and committee papers. MHT aims to circulate papers at least a week before the date of the meeting. It is helpful to the Staff, and saves time in meetings, if Trustees can notify comments and suggested changes in advance. This is best done by email to the SttB who will forward them to the author of the document for consideration.

4.8 Guidance for Commenting on minutes of meetings. MHT uses the following process for minutes approval:

- The SttB aims to complete a first draft of the minutes of a Board or committee meeting within a week of the meeting.
- The SttB sends the first draft of the minutes to MHT officers (e.g. CEO, Conservation Manager).
- Once approved by the officers, the minutes are sent to the Chair and Vice-Chair of the Board or committee.
- Once approved by the Chair and Vice-Chair, minutes are circulated to the full Board/committee.
- **Board members should advise the SttB of any minor amendments (typos etc). If they wish to make any changes to the content of the draft minutes, they should contact the Chair of the meeting.** It is then up to the Chair to progress any changes with the SttB. Trustees should be aware that **minutes are not designed to be a verbatim record of the meeting.**
- It is hoped that draft minutes will be agreed prior to their adoption at the next meeting but Trustees do reserve the right to propose amendments at the next meeting.

4.9 Email etiquette. Any correspondence with Staff members should be conducted in polite and civil terms. The use of bold, capitals and red ink will not result in enquiries being dealt with any more swiftly. On the contrary, it could cause unnecessary stress and be construed as harassment.

5. TRUSTEE MEETINGS AND PHONE CALLS WITH STAFF

5.1 Meetings. No Trustee should expect to turn up to any premises and demand to see a staff member immediately. Trustees wishing to meet with a member of Staff should submit the online Referral Form referred to at Appendix 1 to the SttB, stating their reason for seeking the meeting and, if appropriate, who else they would like to bring along so that Staff members do not feel 'ambushed'. A few days' notice should be given so that Staff members

¹³ As set out in the MHT Trustee Code of Conduct, Clause 16.

are able to manage their workloads effectively and any such meeting should be held on MHT premises.

5.2 Phone calls. Unless covered by the exceptions set out at 4.2 (above), Trustees are discouraged from calling Staff members directly by phone. Should they do so, Staff may fill out a Referral Form on their behalf and their query will be processed along with all other questions and requests for information and given an appropriate priority. It is accepted that the Chair, Vice Chair and trustees may contact the CEO directly, especially regarding sensitive matters that would be inappropriate to be referred around the Staff. However, this should not be used to circumvent the procedure on how to raise questions and request information. If this method is used to circumvent the procedure, the CEO will ask them to raise an online Referral Form as referred to at Appendix 1 and the same timescales for response etc would apply.

6. TRUSTEE STAFF POINTS OF CONTACT – ROLE AND HOW TO CONTACT THEM

6.1 The purposes of the Trustee Staff POCs are:

- To help build a good relationship between Staff and Trustees; taking their concerns about Trustee and Staff interaction seriously and acting as an informal sounding board to avoid issues escalating.
- Through listening to the Staff's concerns, gain an overall sense of how things are going with regard to Trustee and Executive (staff) relations, so that any concerns may be relayed to the Board as a whole and MHT strategy adjusted or updated as needs be.
- To be 'a listening ear', to enable individual Staff members to speak informally and in confidence (unless there is an exception to confidentiality¹⁴) to a Trustee about any concerns they have been unable to resolve, or feel they are unable to resolve, through their line management chain.

6.2 A guidance note and flow chart for Staff about the role of the Trustee Staff POCs and how to contact them is at Appendix 2.

7. PROGRAMME OF INFORMAL STAFF/TRUSTEE EVENTS

7.1 Staff members are welcome to attend Board and Committee meetings, In accordance with MHT policy¹⁵.

7.2 In addition, the CEO will agree with the Chair a programme of work-related annual events, in which Staff and Trustees will be encouraged to participate, in order to build relationships and learn more about each other's roles and responsibilities.

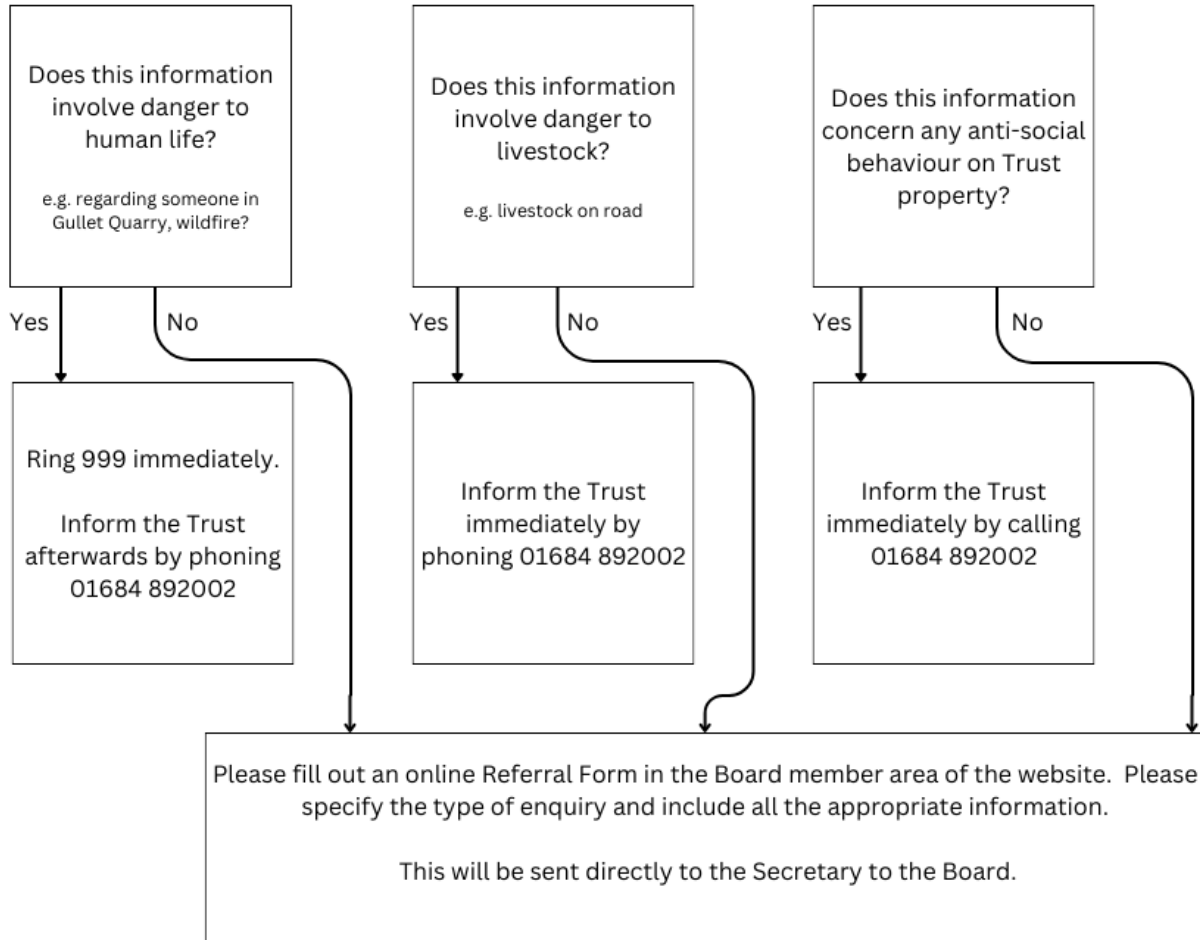
7.3 A Social Committee has been established, comprising Staff and Trustee representatives, for the purpose of organising Staff/Trustee social events eg at Christmas, midsummer, to mark arrivals and departures, etc so Staff and Trustees can get to know each other better in an informal setting

¹⁴ Concerns may need to be elevated and confidentiality may not be mutually agreed. Reasons for this may include safeguarding, criminal activity etc.

¹⁵ Staff attendance at confidential meetings.

PROCESS FLOWCHART FOR MHT TRUSTEES TO CONTACT MHT STAFF TO PROVIDE INFORMATION ASK A QUESTION OR REQUEST INFORMATION

Type of Enquiry



To: All Malvern Hills Trust Staff Members

TRUSTEE STAFF POINTS OF CONTACT – ROLE AND HOW TO CONTACT THEM

Role of trustees

As well as setting the strategic direction of the MHT, Trustees are responsible for ensuring it carries out its purposes for the public benefit, complies with governance documents, acts in the charity's best interests, manages resources responsibly, acts with reasonable care and skill, is accountable and reduces the risk of liability¹⁶. Trustees maintain oversight of these responsibilities through a system of committees, but day to day delivery of MHT's purposes is carried out the Executive (Staff).

Trustees who are points of contact for staff

The Board of the Malvern Hills Trust (MHT) have appointed the following Trustees to be points of contact (POCs) for staff members:



David Core



Lucy Hodgson

Either are contactable during normal working hours via the MHT switchboard on 01684 892002. You can choose who you would like to speak to and a message will be passed to them to call you back.

Purposes of Trustee points of contact

The purposes of the trustee points of contact (POCs) are:

- To help build a good relationship between Staff and Trustees; taking your concerns about Trustee and Staff interaction seriously and acting as an informal sounding board to avoid escalation of issues.
- Through listening to your concerns, gain an overall sense of how things are going with regard to Trustee and Executive (Staff) relations, so that any concerns may be relayed to the Board as a whole and MHT strategy adjusted or updated as needs be.
- To be 'a listening ear', to enable you to speak informally and in confidence (unless there is an exception to confidentiality¹⁷) to a Trustee about any concerns you have been unable to resolve, or feel you are unable to resolve, through your line management chain.

¹⁶ Source: Charity Commission Guidance 'The essential trustee, what you need to know, what you need to do (CC3)' [The essential trustee: what you need to know, what you need to do \(CC3\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

¹⁷ Concerns may need to be elevated and confidentiality may not be mutually agreed. Reasons for this may include safeguarding, criminal activity etc.

Your line management chain includes your immediate line manager, senior manager (if you have one) and the CEO, Deborah Fox. Under normal circumstances, you will be expected to raise your concerns through your line management chain in the first instance before approaching a Trustee POC.

That said, not all concerns are straightforward, or there may be some circumstances in which you feel uncomfortable about approaching your line managers. Please be assured that in such cases no Staff member will be criticised for approaching a Trustee POC, and the information you share will be treated confidentially (but see also Footnote 9).

Informal role

Para 7.2 (a) of the MHT staff handbook states *'Wherever possible, grievances should be resolved informally without recourse to formal procedures'*.

In line with this principle, the role of the Trustee POCs is strictly informal.

They will:

- help you to address your concern informally and in confidence;
- take no action without your agreement;
- not replace or otherwise undermine your normal line management chain;
- if appropriate, 'signpost' you to the relevant formal processes in the Staff Handbook if it has not been possible to resolve your concern informally.

The attached flow chart illustrates the role of the Trustee POCs in helping you to resolve problems or raise concerns.

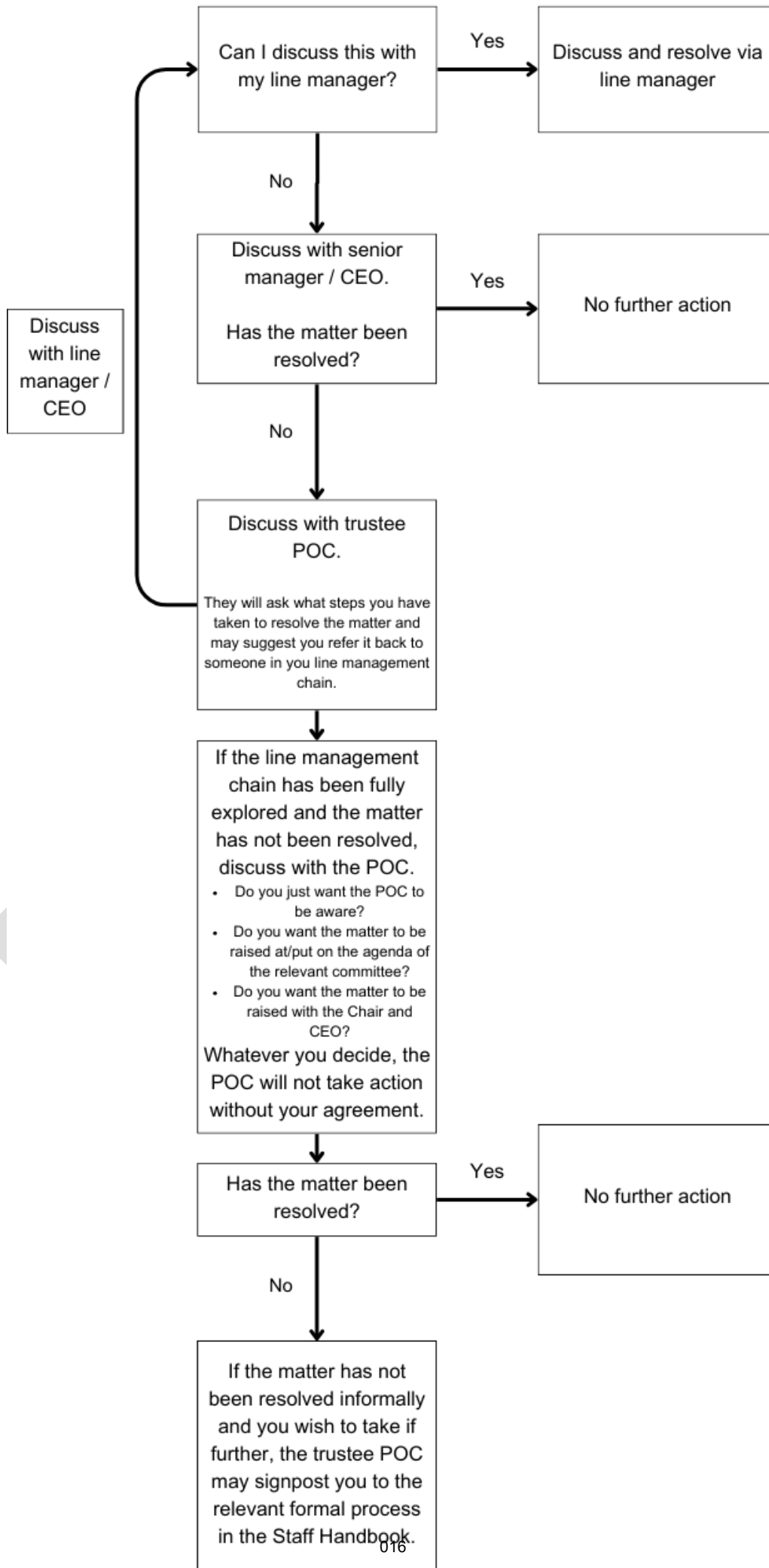
Staff meetings

There are bi-monthly All-Staff meetings and Trustee POCs are invited to attend every other one so that Staff members can ask them questions about Board strategy, policies and processes, and they, in turn, can gain an understanding of issues that are of interest and concern to Staff.

Reports to the Board

Any information you share informally with a Trustee POC will be treated confidentially (but see also Footnote 9). However, each year the Trustee POCs will provide a generic, non-attributable report to the Board

Staff problem / concern



**Special meeting of Staffing Committee
Staff Handbook Updates
2 May 2024**

Background

In April 2024 there were a few minor changes in legislation to Paternity Leave and Flexible working policies.

The attached fact sheet was provided to us by our HR Advisor, Sara Marrett.

Having reviewed the changes, you can see I have highlighted what needed to be updated in our staff handbook. Our policies referred to the original legislation and were not enhanced or different in any way.

Flexible Working

Please see pages 26-28 of the staff handbook (attached). This shows that we have now made the legislative changes to our policy.

Paternity Leave/Co Parent Leave

Please see pages 38-39 of the staff handbook (attached). This shows that we have now made the legislative changes to our policy.

No other changes have been made to the staff handbook. These legislative changes are provided to the committee for information.

Recommendation:

That the Committee ask the Board to adopt the changes to the Staff Handbook

Lisa Curtis
Finance Officer
19 April 2024

Employees shall endeavour to travel to work if during normal contractual hours the weather conditions improve to allow safe travel by their usual means or by walking a reasonable distance or by using public transport.

If schools close during severe weather employees are entitled to take unpaid leave to look after children as this is classed as Time off for Dependents. This allows employees to take as much time off as is reasonable to make alternative child care arrangements.

Paid time off due to severe weather will be considered by the Chief Executive Officer and will be at his or her sole discretion.

If there is reason to suspect that an employee is abusing MHT's flexible approach to absence or lateness due to severe weather, MHT reserves the right to investigate the extent of transport disruption and the impact of others who travelled from the same locations. If an abuse of this flexibility is established the absence shall be treated in the same manner as any other unauthorised absence.

MHT is committed to the health, safety and wellbeing of all staff.

7.17.1 Leaving work early

If severe weather conditions or major disruptions to public transport occur during the working day which will cause problems for you in travelling home, the Chief Executive Officer will decide whether to allow you to leave work early (and to make up the time at a later date if necessary). MHT will again base its decision on your individual circumstances, for example your distance from home to work, your mode of transport and how viable it is for you to take work with you and work from home for the rest of the day, and on the needs of MHT.

7.17.2 Health and safety

MHT is committed to protecting the health and safety of all its employees and this includes during severe weather conditions and where there are major disruptions to public transport and therefore a reasonable approach will be taken to the situation. You also have a duty to take reasonable care of your own health and safety and that of other persons who may be affected by your acts or omissions. This includes taking extra care when travelling to and from work in severe weather conditions and allowing more time for your journey, including making alternative travel arrangements where appropriate.

7.18 Flexible Working

Employees have the right to make a formal flexible working request.

*Taken out after
26 weeks continuous
service*

Employees can request:

- A change in hours i.e. working less than normal hours and or fewer days.
- A change to the times when they are required to work.
- A change to the place of work i.e. to work from home.
- A different pattern of work.
- Job sharing.

To make an application you must submit a written request setting out the change to the working conditions you want, when this change would be effective from and how you believe it could work. An accepted application will mean a permanent change to your Contract of Employment.

Your line manager will hold a meeting with you and complete the process including any appeal within three months of your request unless you both agree to extend this period. You are entitled to be accompanied at the meeting by a work colleague.

At this meeting a practical business assessment of how the proposed arrangement can work will be undertaken. The changes you have proposed, the effect of the proposed changes and any possible alternative work patterns that might suit both parties will be discussed.

MHT will properly consider the request and will make a practical business assessment on whether, and if so how, the flexible working request could be accommodated.

Following the meeting and consideration, your manager will write to you to either:

- Accepting the request, setting out any action on which agreement is dependent and establishing a start date; or
- Rejecting the request and explaining the business reasons surrounding this and setting out the appeals procedures.

If your request is accepted you will receive either a new Contract of Employment or a contract amendment detailing the new working pattern.

If the request is refused it will be for a business reason for example:

- The burden of additional costs.
- Detrimental effect on ability to meet demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality and/or performance.
- Lack of work during the period when you propose to work.
- Planned structural or workforce changes.

Following any refusal, you may appeal in writing against the decision setting out the reasons for the appeal. Your appeal letter should be sent within five working days.

Should you appeal you will be invited to an appeal hearing. At the appeal meeting you will have the right to be accompanied by a work colleague.

Following the appeal meeting an outcome will be given in writing.

Each request for flexible working will be dealt with individually, taking into account the likely effects the changes will have on MHT, the work of the department in which the employee making the request is employed and the employee's colleagues. This means that if MHT agrees to one employee's request, this does not set a precedent or create a right for another employee to be

granted the same or a similar change to their work pattern. If your request for flexible working results in your contracted hours of work being reduced, your salary will also be reduced (on a pro-rata basis) to reflect this.

7.18.1 Repeated Requests

After your request has been considered by MHT, regardless of whether your request was agreed or refused, you can only make one more request in the year. So, a total of two requests can be made in any 12-month period.

Previously said another request could not be made for 12 months.

Sometimes circumstances change and the employee may need to change or cancel his/her proposed SPL dates. To do this they must write to MHT at least eight weeks before the dates varied begin and making clear what change they are seeking. This will count as a second notification.

The written notice must contain:

- An indication as to when the employee intends to take SPL (including the start and end dates for each period of leave);
- Details of any periods of SPL that have been notified through a period of leave notice;
- Details of any periods of ShPP that have been notified in relation to periods where SPL was not to be taken; and
- A declaration signed by the mother and the partner that they agree to the variation.

8.2.10 Rights during Shared Parental Leave

During SPL, all terms and conditions of the employee's contract except remuneration will continue. Pay will be replaced by ShPP/pay under the organisation's enhanced shared parental pay scheme if the employee is eligible for it.

8.2.11 Communication and SPLIT Days

Whilst an employee is on SPL MHT will try to keep them up to date with important changes and developments within MHT. It is also helpful to discuss the employee's plans to return to work during this time.

An employee can agree to work for MHT (or to attend training) for up to 20 days during their SPL without that work bringing the period of his/her SPL and pay to an end. These are known as "Shared Parental Leave in Touch" (SPLIT) days. If you are entitled to receive ShPP for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you an agreed rate for the work you do work during a SPLIT day.

There is no obligation on MHT to offer work or on the employee to accept it.

8.2.12 Returning to work following Shared Parental Leave

The employee has the right to return to the same job when returning to work from SPL if the period of leave, is 26 weeks or less.

If the employee is returning to work from SPL and the period of leave taken is more than 26 weeks they have the right to return to the same job unless this is not reasonably practicable. In these circumstances MHT will find another job that is suitable and appropriate for him/her.

8.3 Co-parent Leave/Paternity Leave

To qualify for the right to take co-parent leave, you must meet each of the following eligibility criteria:

- You have, or expect to have, responsibility for the upbringing of the child.
- You are either the biological father of the child; or you are married to, are the civil partner or the cohabiting partner of the child's mother; or you are married to, are the civil partner or the cohabiting partner of the child's adopter; or you are one of a couple jointly adopting a child.
- You are taking the leave to care for the child or to support the child's mother or adopter.

- You have worked continuously for the Company for 26 weeks calculated as at the 15th week before the expected week of childbirth, or, in respect of an adopted child, calculated as at the week in which the child's adopter is notified of having been matched with the child.

A cohabiting partner is a person, whether of a different sex or the same sex, who lives with the mother or adopter and the child in an enduring family relationship but is not an immediate relative of the mother or adopter.

If you wish to take co-parent leave and are eligible, you are entitled to two weeks from the birth or adoption of a child. You are entitled to take either one week or two consecutive weeks of co-parent leave. It cannot be taken as odd days.

You are required to give 28 days' notice to the Company of your intention to take co-parent: or in the case of an adopted child, no later than seven days after the date on which notification of the match with the child was given by the adoption agency, unless this is not reasonably practicable. You are required to provide the following information in writing to the Company:

- The date the child is expected to be born or adopted.
- Whether you wish to take one- or two-weeks' co-parent leave.
- When you want your co-parent leave to start. (This can be taken in separate one-week blocks)

In the case of an adopted child, your notice should also specify the date on which the adopter was notified of having been matched with the child.

Co-parent leave can start on any day of the week on or following the child's birth or placement for adoption. But it must be completed either within 56 days of the actual date of childbirth or adoption or, if the child is born early, within the period from the actual date of childbirth up to 56 days after the first day of the expected week of childbirth.

In the case of multiple births from the same pregnancy, only one period of co-parent leave is available.

On resuming work after co-parent leave, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

8.3.1 Statutory Paternity Pay (SPP)

During the period of co-parent leave you will receive full pay if you are eligible to receive it. You are eligible if:

- You have been continuously employed by your employer for at least 26 weeks up to any day in the 'qualifying week'.
- Earn the statutory minimum.

Your contract of employment continues in force, and you are entitled to receive all your contractual benefits as well as salary.

8.3.2 Annual leave during co-parent leave

Any periods of ordinary or additional co-parent leave will be regarded as continuous service. Annual leave, bank holidays and concessionary days will continue to accrue during co-parent leave.

Employment Law Factsheet 2024 – Updated



April 2024 brings many changes to employment law, which employers must stay up to date on.

With so many important changes in the offing, The HR Dept has produced an updated factsheet, detailing the key issues employers need to ensure they are aware of.

Some changes were announced previously, with more added following the Chancellor's Spring Budget on 6th March 2024. Check out the imminent and upcoming changes below.

Changes to pay

1. In his Spring Budget, the Chancellor announced a further cut to Employee National Insurance. Having been reduced from 12% to 10% in January, as of 6th April it will stand at 8%.
2. As of 1st April, the National Living Wage will be extended to include 21 and 22-year-olds, as well as increasing in line with the Low Pay Commission's recommendations:
 - a. 21-year-olds and over – £11.44 (increase of £1.02)
 - b. 18- to 20-year-olds – £8.60 (increase of £1.11)
 - c. 16- to 17-year-olds and apprentices – £6.40 (increase of £1.12).
3. As on 5th April, Statutory Sick Pay will increase to £116.75 per week (increase of £7.35).
4. From 7th April 2024, Family-related (Maternity, Paternity, Shared Parental, Adoption and Parental Bereavement) statutory pay will increase to £184.03 (increase of £11.55).

N/A

Changes coming in to force in April 2024

Holiday Pay – Employers may pay irregular hour workers for their accrued holiday entitlement in each pay period based on 12.07% of their pay. It should be itemised separately on their pay slip. N/A

Employment Relations (Flexible Working) Act 2023 – This extends the rights of employees to request flexible working from the provisions already in place. Employees will have a **day one** right to make a request (rather than after six months of employment) and be able to make **two requests a year** (instead of one). Employers will have the right to decline the request for a valid business reason but will have less time to give the response – two months instead of three. The need for employees to explain the effect of the proposed change or how that should be dealt with has also been removed. This will come into force on 6 April 2024.

Paternity Leave (Amendment) Regulations 2024 – Changes to paternity leave will allow new fathers to **split their two-week** entitlement into separate one-week blocks, which they can take any time in the first year after the birth or adoption of their child. Additionally, the **5-week notice** they must currently give has been reduced to **28 days**.



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Contact us to arrange your **FREE** consultation

Preventing People Problems