

# E-NEWS UPDATE...

## Upcoming Training September 2020

The training schedule for the remainder of 2020 is now available via the LALC website and will also be detailed in the August Edition of LALC News (currently with the printers). However, the following courses are booked to be delivered through September and still have places available for those of you who may wish to book:

<b>LALC CORE TRAINING – 2020</b> The following <u>are</u> covered by the Annual Training Scheme	<b>DATE</b>	<b>TIME</b>
<b>CLERKS TRAINING DAY</b> <b>(for new Clerks)</b> For new clerks or those that have become a clerk in the last two years An opportunity to learn or build on the basics.  <b>Full Day Training will be split across 2 sessions due to delivering via Zoom.</b> <b>Please ensure attendance at both sessions</b>	<b>22<sup>nd</sup> &amp; 23<sup>rd</sup></b> <b>September 2020</b>	<b>10:00-13:00</b> <b>(both days)</b>
<b>COUNCILLOR TRAINING SESSION</b> <b>(for new Councillors)</b> An introductory session for new councillors explaining the role of local council, powers and duties, policies and procedures or a refresher for more experienced councillors	<b>Tuesday 8<sup>th</sup></b> <b>September 2020</b>	<b>18:00-21:00</b>
<b>COUNCILLORS' TRAINING DAY</b>  In-depth all-day course for councillors covering such topics as powers & duties, policy & procedure, financial management, employment, meeting procedures & planning  <b>Full Day Training will be split across 2 sessions due to delivering via Zoom.</b> <b>Please ensure attendance at both sessions</b>	<b>Tuesday 1<sup>st</sup> &amp;</b> <b>Wednesday 2<sup>nd</sup></b> <b>September 2020</b>	<b>10:00-13:00</b> <b>(both days)</b>
	<b>Wednesday 30<sup>th</sup></b> <b>September &amp; Thursday</b> <b>1<sup>st</sup></b> <b>October 2020</b>	<b>10:00-13:00</b> <b>(both days)</b>
<b>FUNDING READINESS PROGRAMME (3 different workshops)</b>  Spaces for each programme are limited however with slots of only 8, we are expecting that we will have a good uptake for these workshops. <b>Full Day Training will be split across 2 sessions due to delivering via Zoom.</b> <b>Please ensure attendance at both sessions</b>  LCC delivery	<b>WORKSHOP 1 (getting funding ready)</b>  <b>Thursday 10<sup>th</sup></b> <b>September 2020</b>	<b>10:00-13:00</b>
<b>FREEDOM OF INFORMATION &amp; DATA PROTECTION TRAINING</b> Data Protection & Freedom of Information updates – delivered by Ewan Robson	<b>Tuesday 29<sup>th</sup></b> <b>September 2020</b>	<b>10:00-13:00</b>

## All Councils – BE AWARE! 6-month ruling...

Most councils who resolved, prior to lockdown, not to meet for 4 months and to delegate responsibilities to an officer, will now have met remotely or even face-to-face if the council have followed the necessary risk assessment and social distancing/COVID19 procedures allowing for this to happen. For any councils that have not met since March, they **MUST** meet before September in order to **a)** sign off the AGAR form (or exemption certificate) and return it to the External Auditors BY 31 August 2020 and **b) must meet before the 6 month period expires** otherwise all councillors will become automatically disqualified having not attended a meeting for 6 months – this legislation still exists and there is no exception to the rule. This is further highlighted in the letter from Simon Clarke MP (detailed below- full letter available via the LALC website).

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### Letter from Simon Clarke MP

NALC has **received a letter** from Simon Clarke MP, Minister for Regional Growth and Local Government at MHCLG. It thanks organisations across local government that “have responded so magnificently to the challenge of ensuring that vital council business continues by conducting your council meetings remotely”. The letter also provides information on changes to the regulations that affect Parish Meetings — you can find out more in NALC’s **legal briefing**. It also contains a range of useful information and guidance on several topics related to council meetings, all of which align with NALC’s views. The letter also includes information on the six-month attendance rule, which might affect some councillors if they have not been attending meetings during the pandemic, so it’s worth checking that information.

Please visit the LALC website (login required) to access the letter from Simon Clarke MP and the legal briefing regarding meeting regulations.

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### NALC announce events to help communities go green

NALC has announced details for two events as part of the Rebuilding Communities online event series to help make communities greener.

The first event in partnership with The Woodland Trust, *Leaders talk: Putting trees at the heart of your community*, takes place on 8 September 2020. The event covers how local (parish and town) councils can provide sustainable wildlife habitats, tackle climate change with woods and trees, understanding the Tree Charter and its benefits (free trees!), and how to get involved in Tree Charter Day.

The second event, *Leaders talk: Rebuilding sustainable communities*, takes place on 28 September. The event will focus on what local councils can do after declaring a climate emergency, climate action plans, working with principal authorities, how to ensure community assets and biodiversity are sustainable and how to rebuild sustainable green communities. The events will leave you with a renewed passion for tackling climate change and the confidence to initiate it within your communities

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### New guide on community business

NALC has partnered with the Plunkett Foundation and Power to Change to release a new guide

on community business, later this year.

*The Good Councillor's guide to community business* will aim to help local (parish and town) councils better understand the principles of what a community business is, their benefits and help consider whether it would be beneficial for their area.

As part of the guide, stories and experiences will be essential. NALC are calling for anyone involved previously with a local council, community business collaboration, or partnered project to share their knowledge and get in touch at [alison.macklin@plunkett.co.uk](mailto:alison.macklin@plunkett.co.uk). You could feature as a case study too!

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### **LGA code of conduct consultation**

NALC responded to the LGA's draft code of conduct consultation — available on the LALC website (login required). To form the response, NALC worked with several partners including the LGA, NALC's Policy Committee, the Society Local Councils Clerks, as well as taking part in two webinars set up by the LGA, which NALC's chairman, Cllr Sue Baxter attended. NALC will continue to work with the LGA as the final code is produced and will provide updates on any developments.

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### **LGA remote meetings survey**

NALC has been working with the LGA and other national stakeholders to support councils at all tiers of local government about remote meetings. To support that work and help inform the next stages, the LGA is asking local councils to **complete a short survey** by 4 September 2020.

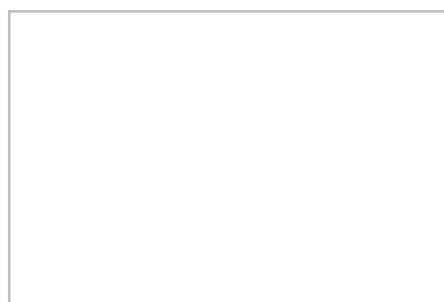
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### **And finally...**

NALC are working hard to continue developing their online event series, and this week they revealed details for Health and Wellbeing Week in October. The week will feature seven online events, which will cover themes such as the future of health challenges, community revival, supporting mental health, to name a few. **Tickets are on sale** now, and we would like as many of you possible to join NALC to discuss, share and learn more on these crucial matters.

[https://www.nalc.gov.uk/rebuildingcommunities?utm\\_source=Members&utm\\_campaign=2215c014c2-EMAIL\\_CAMPAIGN\\_2018\\_06\\_08\\_03\\_15\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_206970988f-2215c014c2-323671237&mc\\_cid=2215c014c2&mc\\_eid=1db552b9b0](https://www.nalc.gov.uk/rebuildingcommunities?utm_source=Members&utm_campaign=2215c014c2-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-2215c014c2-323671237&mc_cid=2215c014c2&mc_eid=1db552b9b0)

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**COUNCIL NEWS**

**JULY 2020**

## **1. Furlough Scheme and Notice Period**

HMRC guidance which said that Councils can use the coronavirus job retention scheme to pay statutory notice caused some confusion. Some Councils were concerned this meant that enhanced contractual notice periods would not be covered by the furlough scheme.

HMRC has updated its guidance to remove any uncertainty. The relevant passage now says. "You can continue to claim for a furloughed employee who is serving a statutory or contractual notice period, however grants cannot be used to substitute redundancy payments."

A number of Councils have been using the Job Retention Grant to pay Furlough Leave to staff whose wages are not supported by the precept, such as Community Centre staff, bar staff or Sports Centre staff.

A number of Councils now realise that income from these facilities is unlikely to return to pre-lockdown levels, and are looking to make Employees redundant. In such situations the Employee can remain on Furlough Leave during their notice periods. The Council can continue to claim the Job Retention Grant, to pay the notice pay, but must make the Employees pay up to 100%

## **2. Do you need to offer an appeal in Redundancy Dismissal Situations?**

There is normally no legal obligation to offer an appeal against dismissal in a redundancy situation, although there may be an advantage to doing so.

In disciplinary and performance cases, the ACAS Code recommends all Employers, including Councils to have an appeal process, but that does not apply to redundancy dismissals. (There is an ACAS guide on redundancy, which says it is good practice to offer an appeal - but unlike the official ACAS Codes of Practice, it has no official legal status.)

If your Councils redundancy policy gives a right of appeal, then you should offer one (assuming the employee has over two years' employment and qualifies for unfair dismissal rights). If you do not follow your own procedure, that is probably going to make the dismissal unfair but, subject to that, there is no obligation to offer a right of appeal in redundancy dismissal situations.

In *Robinson v Ulster Carpet Mills* [1991] IRLR 348, three employees were dismissed on grounds of redundancy. They claimed that they had been unfairly dismissed because they were not given a right of appeal, even though Employees who had been dismissed for misconduct did have such a right. The Court of Appeal in Northern Ireland said that in the absence of special facts, an Appeal procedure was not required before a dismissal for redundancy could be found to be fair.

There is a very good argument against having an Appeal process in redundancy dismissals. Unlike performance and conduct dismissals, where nobody else is affected by a dismissal being reversed on Appeal, in redundancy situations other people are affected. There might be someone who had been through the redundancy scoring process, come above the break point, but now finds themselves being told they are redundant because somebody who originally scored lower than them has been allowed back on Appeal. There is a powerful argument for finality in redundancy selection processes, and appeal processes undermine that finality. There is also the point that allowing a right of appeal allows a second manager the chance to mess things up.

Having said all that, allowing an Appeal does have the advantage of fixing some procedural flaws - for example, if the tribunal thinks the Employee was not given a reasonable opportunity at the beginning to challenge their redundancy scores. The absence of an Appeal might mean that a small procedural flaw is enough to make a particular dismissal unfair, whereas if there had been an Appeal process and the Employee had been given a fair chance to raise whatever their issue was, that is enough to stop the dismissal being unfair.

## AUGUST 2020

### **Shielded Staff Facing a Return to Work Dilemma**

Employees who have been subject to Shielding Notices since March now face the prospect of returning to work. There is no doubt that some will be glad to return and “get back to normal”, but it is also indisputable that many may feel uncertain. These anxieties may no doubt be compounded by the recent increase in infections rates seen in some parts of the country, along with a return to some lockdown restrictions.

Despite these concerns, the Government has stated that Shielding Notices for many have now ended, and they no longer qualify for Furlough Leave and payments through the Job Retention Grant.

These Employees now need to return to work, however their Employer may find that it needs to take steps to encourage anxious staff to come back. Councils could consider the following range of support measures to help returning staff.

1. An effective dialogue is important. Take time to discuss the Council's risk assessment with returning staff to make sure they understand, and are comfortable with, the Council's infection prevention measures.
2. If possible, consider a phased return. The transition from 4 months effective isolation to getting straight back to work can be daunting for some people, causing anxiety and stress. A phased return over 4 weeks could help resolve the problem. This could also be combined with some home working if possible.
3. Temporary Redeployment. This would involve moving front line Employees who would have regular direct contact with the public when they return to work, to alternative posts where they have less contact. This could be conducted over a short-term period of 2-3 weeks, just to allow the returning Employee to reacclimatise.
4. Employees with particular vulnerability, such as those receiving treatment for cancer or diabetes patients, may want to consult their Doctor prior to returning. The Doctor may issue them with an amended Fit Note, stating that they can come back to work, but with certain limitations. The Council needs to follow the Doctor's guidance, if reasonably possible, to ensure the safety of the returning Employee.
5. Provide a quick contact point for returning Employees if they become worried, or panicky about their working environment. Under these circumstances the Employee could contact a line manager/supervisor/Chair at short notice to say that they are worried, and to be able to take a break. This could be a temporary measure covering the first 2-4 weeks return to work.

Finally, do not forget the Council's obligations to make reasonable adjustments to accommodate Employee with disabilities. Most Employees who have been subject to shielding notices have done so due to a pre-existing disability. The Equality Act 2010 requires Councils to make reasonable adjustments to accommodate such Employees.

Consequently, treating someone unfavourably because of their shielding and subsequent adjustments needed to help them return to work, could result in a claim for Disability Discrimination.

## **PROFILE**

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