



Compliance Survey

Saffron Walden Town Council

September 2021



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9 LORD STREET, GAINSBOROUGH DN21 2DD T 01427 678 660
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one of the team

Executive Summary

This audit was undertaken at the Council's site at 11 Emson Close, Saffron Walden, CB10 1HL on 28/09/2021, in order to carry out a full review on the Council's current HR management system. This is in order to allow Stallard Kane to understand your current working practices and get a feel for how you have worked in the past and how you wish to operate moving forward.

The following list is a guide to some of the work required to improve current Human Resources standards. It is intended to be used as an action list to enable remedial work to take place and should be used in conjunction with the Compliance Survey. To reflect the relative importance, Action Levels are indicated against each item.

This document also contains a copy of the Compliance Survey which details my findings at the time of audit.

Lisa kindly showed me around their new offices and we discussed the challenges they had faced during the pandemic and how the team had pulled together to work through it.

Should you require any further assistance, Stallard Kane Associates Ltd will be happy to assist where necessary.

Stefan Atkinson
Human Resources Advisor

Action Levels

The action levels used in this report are for you to quickly gain an insight to the overall assessment and result of the audit.

For reference:

Immediate action required: Red

The colour Red is used to draw attention to an action that requires an immediate change to a practice or its implementation. There may also be a need for retrospective action. This will be outlined in the comments.

Breach of Council Policy and Procedure: Amber

The colour Yellow is used to show where action is required to correct a practice that is either inconsistent or absent. It is also used to make recommendations for improvements to the current management system.

Good Practice carried out noted: Green

The colour Green indicates the evidence of good practice. It is not meant to imply that no further improvements might be made.

Stallard Kane Associates Ltd makes every effort to ensure that the information provided within all HR paper Audits, website uploads and HR online services is accurate and up to date, but no legal responsibility is accepted for any errors, omissions or misleading statements and the HR service is for information purposes only. We are not responsible for, and cannot guarantee the accuracy of, information within HR Audit documentation, that it does not manage; nor are in the possession of or within its control. It is the obligation of the client to provide accurate and truthful information and documentation to ensure the integrity of the HR Audit process is maintained.

DEFECTS AND RECOMMENDED ACTION LIST

BREACH OF LEGISLATION	Immediate action required to address deficiencies.
BREACH OF BEST PRACTICE/ COUNCIL PROCEDURE	Action should be taken in the short/medium term to address deficiencies.
BEST PRACTICE	The Council should continue to follow best practice.

Action Plan - Breach of best practice/ Council Procedure

Subject	Recommendation/Action	Completion Date	Completion Signature
Appraisals	Although an issue of good practice by undertaking annual appraisals this allows the opportunity for both sides to raise any relevant issues.		
Self-Certification	Employees can self-certify for up to 7 days. When an employee returns to following a period of absence of less than 7 days, they should be required to fill in a self-cert form, this should then be kept on the individual's personnel file.		

Stallard Kane Associates Ltd – HR Compliance Audit

Name of Client: Saffron Walden Town Council	Name of Auditor: Stefan Atkinson	Number of Employees: 21	Date of Audit: 28/09/2021
Name of person seen: Lisa Courtney	Marking Guide: <ul style="list-style-type: none"> • N/A - Not Applicable • 0 - Not Compliant • 1 - Not Fully Compliant • 2 - Compliant 		

Section	Remarks	Advice/Actions	Mark
General			
Young Workers (under 18)	No, the Council currently do not employ anyone under the age of 18.	There is a requirement to undertake a Young Person's Risk Assessment for an employee under the age of 18. The school leaving age has now changed and children should not leave school until the age of 18 unless they are undertaking an apprenticeship or further education from the age of 16	N/A
Disabled Workers	Yes, the Council have employees with conditions and they have looked at the reasonable adjustments.	Good practice, no further action	2
Expectant Mothers	No, currently the Council believe they do not have any expectant mothers.	No further action required	N/A

General			
Sub-Contractors	Yes, individuals are genuinely self employed	<p>Only two bodies can decide the employment status of an individual, be it employee, worker or self-employed, those being an employment tribunal or HMRC. There is an employment status for tax questionnaire and the link is as below:</p> <p>https://www.tax.service.gov.uk/check-employment-status-for-tax/setup</p> <p>which on completion will indicate the employment status of an individual.</p>	2
Part Time Workers	Yes, there are 3.	Part-time workers should be treated no less favourably to full time employees.	N/A
Full Time Workers	Yes, there are 18.		N/A
Do you have any staff on Zero Hours Contracts?	Yes	<p>Zero hours contracts are employment contracts which do not give the worker a set number of hours that they are entitled to receive work. Under the zero-hour contract, the hours you are required to work may be different each week and you have the option of either accepting these hours or declining to work these hours. However, you're only paid for the hours you work.</p> <p>Under the Government good work plan, individuals on a zero hour contract for 26 continuous weeks will be able to request a permanent contract.</p>	2

General			
Agency Workers	No	Should the Council use agency staff in the future the rule below will apply.	N/A
If the Council use Agency workers, is the Council aware of the Agency workers Regulation Act Oct 2011?	No	<p>After a 12-week qualifying period, an agency worker will be entitled to the same basic conditions of employment as if they had been directly employed by the hirer on day one of the assignment, specifically:</p> <p>Pay - including any fee, bonus, commission, or holiday pay relating to the assignment. It does not include redundancy pay, contractual sick pay, and maternity, paternity or adoption pay.</p> <p>Working Time Rights - for example, including any annual leave above what is required by law.</p>	N/A
Do the Council undertake DBS checking? Do you have a DBS clawback agreement in place?	No, the Council does not require its employees to undergo DBS checks.	No further action required.	N/A
Do the Council operate CCTV on site? Do you have a CCTV policy in place?	Yes, and the Council operates a policy	No further action required	2
HR Manual			
Is the HR Manual available and are the policies current?	Yes		2

Employee Handbook			
Is the current handbook still outstanding to be printed?	No	The employee handbook should be finalised and distributed to all staff, who should sign for receipt of this.	2
Are there any amendments needed to the current version?	The employee handbook has been checked and is up to date.		N/A
Have all new employees received a handbook and is there evidence it has been signed for?	Yes	Good practice, the signed receipt should be kept on file	2
Recruitment & Selection			
Does the Council use Application forms as part of the recruitment process?	Yes - application form doesn't identify any protected characteristics	No further action required. Continued use of this form is important to capture unspent convictions and the declaration that the information provided is the truth.	2
Does the Council use an interview assessment form?	Yes, Council use interview assessment forms	This is good practice and could help defend against of discrimination from unsuccessful candidates. Copies of these should be kept on file for up to 6 months after the interview.	2
Is there evidence that the Health Questionnaire is being completed at the correct time?	Yes, at or after the offer of employment stage	Good practice, no further action required	2
Is there evidence that Health Questionnaires are being updated regularly?	Yes, annually.	No further action required	2
Does the Council take up references and in what format?	Yes	No further action required	2

Recruitment & Selection			
Does the Council ask all new employees to show Right to Work in UK under the Immigration, Asylum and Nationality Act 2006?	Yes	Best practice	2
Ask the Employer what evidence they would ask for?	Yes, the relevant information is taken from the Council and a copy kept in personnel files	<p>From the 1 July 2021 you are not able to employ an individual until you have completed the required right to work checks. Evidence must be on file for all employees, including British workers.</p> <p>For foreign candidates, individuals who applied to the EU settlement scheme will be required to prove their right to work via an online share code.</p> <p>EU/EEA and Swiss citizens who arrived in the UK after the 31st of December 2020 will be required to hold a visa to live and work in the UK as the new system treats EU and non-EU citizens equally. Also, if you are intending to hire someone to come to the UK, you will need to hold a valid sponsor licence.</p> <p>Those with indefinite leave to remain are not affected.</p>	2
Have staff signed an opt out form for 48 hr week if applicable?	Nobody works over 48 hours per week on average.	Advised to ensure that all employees that may work an average of 48 hours during a 17-week period should complete an opt out agreement to ensure that the Council remain compliant with the Working Time Directive.	N/A
Are personnel files kept secure and who has access?	Yes		2

Contractual			
Are employees issued their main terms and conditions of employment on day one of employment?	Yes	Good practice and in line with the organisations legal duties which from April 2020, requires employers to provide the principal statement of main terms and conditions of employment on the first day of employment and the wider written statement within 2 months of the start of employment.	2
Are the Council aware of the current NMW rates and the increase from 6th April 2021: Apprentice £4.30, 16-17 £4.62, 18-21 £6.56, 21-22 £8.36, age 23 and over £8.91 (note that where the National Living Wage used to apply to those age 25 and over, this now applies to those age 23 and over)	Yes, the Council are aware of and pay in line with NW and NLW	Ensure employee's pay rates are reviewed alongside future increases to NMW and NLW	2
Training			
Is Induction Training given and does the Council use an Induction form to record the details?	Yes	No further action required	2
Are training cost agreements being used?	No but are aware and have a training policy.	Training agreements are written agreements between employer and employee which state the agreed terms and conditions of the training, including payment, used to cover training for professional qualifications and skills training, rather than in-house or induction training. The agreement should be entered in to before the training takes place to take effect and will usually state that the whole, or part, of the costs of training are recoverable by the Council if the employee leaves within a certain time. Most agreements will incorporate a sliding scale so that the more time that passes after the training, the less that can be recouped from the employee.	N/A

Training			
Are there any current skill gaps within your workforce that you wish to address?	No		N/A
Employee Relations			
Does the Council carry out annual appraisals with employees?	Not been able to fulfil but processes are in place.	Although an issue of good practice by undertaking annual appraisals this allows the opportunity for both sides to raise any relevant issues.	1
Does performance continue to be discussed throughout the year?	Yes, as and when required.	No action required.	2
Discipline and Grievance			
Are all employees made aware of the discipline and grievance process?	Yes, it is covered within the employee handbook.	Good practice	2
Are there any employees currently on suspension? If so at what stage and is the Council following the correct procedure?	No		N/A
Have there been any dismissals through discipline in the last 12 months?	No		N/A
Sickness and Absence			
Do staff receive SSP or Council sick pay?	Staff receive Council sick pay, as per their main terms and conditions of employment		N/A
Is absence monitored and how?	Yes, using a spreadsheet.		2

Sickness and Absence			
Is sickness and absence an issue for the Council?	No		N/A
Do employees self cert when returning from a period of sickness of 7 days?	No	Employees can self-certify for up to 7 days. When an employee returns to following a period of absence of less than 7 days, they should be required to fill in a self-cert form, this should then be kept on the individual's personnel file.	1
Do you carry out return to work interviews?	Yes	No further action required	2
Do you have any employees on LTS?	No		N/A
Have you requested access to the medical reports?	Yes	In the event that the Council believes further medical information is required from an employee's own doctor, specialist or consultant, the Council will need to contact the employee with a look to obtain permission to access their medical records. The Council should be aware that the Access to Medical Reports Act 1988 places certain restrictions on employers that wish to obtain medical information about employees from their own doctor and also gives individuals a range of rights in relation to any such medical report.	N/A
Have you requested OH to conduct a medical examination?	Yes	As soon as it becomes clear that an employee's absence will be long-term, the manager should speak to the employee about a referral to Occupational Health for an assessment of the effects of the condition, the likely duration of the illness or condition and whether or not there are any steps that the Council could take to facilitate the employee's return to work.	N/A

Sickness and Absence			
Have the Council considered medical capability termination?	Yes	Following receipt of all the relevant medical information, including a report from the individuals GP and an Occupational health assessment the employer can look at the next steps. One of the potential outcomes could include termination of employment due to medical capability, if there are no relevant reasonable adjustments or reasonable alternative employment available.	N/A
Do the Council have a Wellbeing policy in place?	It was discussed that they do not currently feel that they need a mental health first aider or a wellbeing policy.		N/A
Do the Council have any staff who are Mental Health First aid trained?	No	Although this is not a legal requirement, this is good practice.	N/A
Leavers			
How many leavers have you had in the last 12 months?	No		N/A
Have any leavers been due to redundancy?	No		N/A
Have leavers received an exit interview?	N/A		N/A
Have any issues been raised from these, and have you actively investigated the issues?	N/A		N/A
If applicable are monies due to the Council deducted from the employee's final wages and is the employee aware of this?	Yes		N/A

Legal Requirements			
Is the Council aware that the GDPR came into effect on the 25th May 2018 and what processes do you have in place to ensure compliance with the regulations?	The Council are aware of the legislation and have appropriate processes in place.	The Council have the relevant policies in place and undertake regular reviews of their personnel files to ensure Compliance.	2
Are you aware of the process which applies to flexible working for all employees?	Yes	All employees with 26 weeks continuous service are now eligible to make a flexible working request. The employer has a duty to consider the request however the request can be turned down if there are genuine business reasons for doing so. The flexible working policy contained with the HR manual contains the 8 genuine business reasons for turning down a request.	2
Are you aware of the Tribunal decision in regard to Holiday pay and Overtime? What is the Council doing regarding the changes?	Yes	Following recent case law, when an employee takes holiday, they should not only be paid their basis hours, but the employer should also take into consideration any regular overtime, bonuses, commission etc. When on holiday an employee should be paid an average of what they have been earning over the previous 52 weeks rather than their basic hours. This is only applicable to the first 4 weeks holiday entitlement as prescribed and not the full 5.6 weeks as prescribed by UK law. The additional 1.6 weeks and any further entitlement can be paid at the normal rate of pay.	2
Are you aware of the Governments Good Work Plan and the changes they are looking at bringing about, taking effect in April 2020?	Yes	The Good Work Plan looks to introduce the right to a basic written contract from day 1, the period for calculating average pay will increase from 12 weeks to 52 weeks, a right for zero hours staff to request more stable contracts after 6 months. Clearer clarification on the employment status of individuals. Increasing the time period for a break in service to 4 weeks and banning companies making deductions from tips.	2

Legal Requirements			
Are you aware of the legislation surrounding Parental Bereavement Leave?	Yes	From 6 April 2020 any parent who has been continuously employed for at least 26 weeks, who suffers the devastating loss of a child under the age of 18, or a still birth after 24 weeks of pregnancy, will be entitled to take up to two weeks Parental Bereavement Leave. This leave can be taken at any time up to 56 weeks after the bereavement. Such leave is payable at the prescribed rate set by the government for the relevant tax year, or at 90% of your average weekly earnings, whichever figure is lower.	2
As a Council, have you placed any employees on Furlough? If so, did you follow the correct procedures and have you retained the relevant information?	No, the Council did not furlough any employees.	No further action required.	N/A
Safety Management			
Does the Council have a Safety policy in place?	Yes, this is located in the Office.	No action required.	2
Do staff report safety issues to the Management Team?	Staff report H&S issues to Viv and Line Managers.	<p>If an employee see's something in a workplace that they think is breaking health and safety law and is likely to cause serious harm, they can report it.</p> <p>It may be possible to put some health and safety problems right without contacting HSE. The employee should look to firstly speak to the person in charge of the work, the employer or their union or employee representative.</p>	N/A

Safety Management			
Are First Aiders certificates in date?	Yes, there are around 10.	The Health and Safety (First-Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. These Regulations apply to all workplaces including those with less than five employees and to the self-employed.	2
Are all staff issued with the relevant PPE (if applicable and is it signed for)	Yes, all staff have received PPE and it has been signed for.	No further action required.	2
Is there an accident book available and where is it located?	Yes, the accident book is located at each site.	No further action required	2
If night workers are employed do they have an annual assessment?	No	Employers must offer workers a free health assessment before they become a night worker. Workers don't have to accept. The assessment must be written by a qualified health professional. It can be a questionnaire. The worker must get a follow-up examination by a health professional when an employer is unsure if the worker is fit for night work. A repeat assessment must be offered regularly. The employer must offer suitable other work where possible if a worker has health problems that a doctor says are related to night work.	N/A
Is there a Fire Risk Assessment in place?	Yes	A 'Competent person' must carry out and regularly review a fire risk assessment of the premises. This will identify what you need to do to prevent fire and keep people safe. You must keep a written record of your fire risk assessment if your business has 5 or more people.	2

Safety Management			
Does the Council have an evacuation plan in place?	Yes		2
Council Vehicles			
Does the Council obtain copies of Driving Licences for any employees that drive Council vehicles or use their own vehicles for Council business?	Yes	Good practice, no further action required	2
Do Council Vehicles have trackers? Do the Council have a policy on Tracking?	No, Council vehicles do not have trackers fitted.	No further action required	N/A

Employee Files	Yes	No	N/A	Comments
HR Certificate in date and displayed	✓			
Are personnel files kept secure?	✓			
Application Form	✓			
Interview Assessment Form	✓			
Right to work in UK	✓			
Terms and Conditions	✓			
Job Descriptions	✓			
Induction check list	✓			
Evidence of Handbook signed for	✓			
Health Questionnaire & evidence of re issuing	✓			
Driving Licence		✓		
Health and Safety Training	✓			
Appraisals	✓			
Return to Work Forms	✓			
Self Cert Forms	✓			
Opt Out Form				
Fit Notes		✓		

Employee Files	Yes	No	N/A	Comments
P45/46	✓			
PPE signed for	✓			
Is the client aware of the Members area?	✓			

Compliance Survey Score	
Possible:	74
Actual:	72
Percentage:	97%