

Dear Mr Reynolds

Re: Downton Parish Council 2020/21 ¾ Year Audit Recommendations

Thank you for your recommendations which were put before the Parish Council at its meeting on the 22nd March 2021. The following response refers to the numbered list starting on p. 2 of your 22nd March letter.

The Council has noted points 1,3 and 4. Point 11 is also noted and a permanent Chair has been elected for the final three months of the Civic Year but the future position will not be known until after the May elections.

The Parish Council resolved to implement points 2, 5 and 6 and will ensure that point 7 is included in the retendering for insurance cover in September of this year.

Point 8 will be somewhat dependent on the membership of the Council following the May elections but the Clerk will ensure that the Council complies with Government guidelines and will seek advice from NALC and SLCC.

To comply with point 9, the Clerk will send the minutes, as agreed, to the relevant Chairs of each of the meetings and ensure that she receives a signed, scanned or posted physical copy of the minutes.

The Parish Council recognises the impact of the £25,000 held in reserves for the Staff Pension matter, referred to in point 10. Although it agrees with the auditor that a speedy and final decision on this matter would be beneficial, the Council has already made a decision but the ongoing dispute about that decision must be allowed the time that is needed to follow due process. Currently this process is dependent on actions that are beyond the immediate control of the Council. However, the level of all our earmarked reserves will continue to be subject to regular, at least annual, review and justification.

Point 12 raises several questions to which responses are made below with reference to points a) to d). There are some general points which first need to be made:

The prolonged absence of the Clerk, for seven weeks, and with no certainty over how much longer the absence might have lasted, created a crisis for the Parish Council which could have resulted in it totally ceasing to function during the interregnum and in failing to meet its legal and contractual obligations. The Parish Council had no pre-prepared and agreed emergency plan to manage such a situation, had no definitive knowledge within the Council of what could or could not be done without the Clerk, had no experience of engaging a Locum Clerk, etc., etc. The Staffing Committee took the initiative to create the opportunities for the Parish Council to manage, as best it could, and with advice from WALC, the crisis which it found itself to be in. Whilst, with the benefit of hindsight, it did not manage to do everything 'by the book' the Parish Council is satisfied that the actions taken were all with the best interests of the Council very firmly in mind.

The heightened awareness which the Parish Council now has to its exposure to key person risk resulted in decisions being made at its meeting on 22nd March to task the Clerk to produce a draft business continuity plan, for review at its meeting on 10th May, which anticipates all the issues which can arise during a prolonged period of absence of the Clerk, puts in place the measures to minimise the impact of those issues and sets out a clear step-by-step action plan for the Parish Council to follow in such circumstances, which includes how to go about appointing a Locum Clerk. The draft 'Risk Assessment for the Absence of the Clerk' document, which was produced by the Locum Clerk, will be an important input and checklist for the business continuity plan. It now seems extraordinary that the absence of such a business continuity plan had not previously been viewed as a major issue by the Parish Council and had not been picked up in previous audits.

Turning now to the specifics of each of your points 12 a) to 12 d):

- a) The Administrative Officer was extremely competent in providing cover for the Clerk, responding to correspondence and other actions that more than fulfilled her contracted 10 hours per week. She was asked if she would clerk the Parish Council meeting but she did not deputise at meetings for the Clerk because she did not yet feel sufficiently confident to do so.
- b) As we are all well aware, the clerking of Parish Council meetings is just one of the many important roles of a Clerk. This role is only one of the activities identified in the Council's risk assessment for contracting a locum Clerk. Although resolution 266.20 identified that the Locum Clerk would act as Clerk for meetings during the Clerk's absence, this was interpreted as being to act as Clerk for meetings and for the time between meetings. In the event, the Clerk was absent for 7 weeks – perhaps more than would be considered as a 'short absence'. The Staffing Committee would have much preferred that the Locum Clerk had been available to clerk the meeting on the 25th January but, being left with very little time to finalise the position and carry out the relevant checks (see later), the locum Clerk identified was found to be unavailable on the evening of the 25th January. However, she provided, in advance of the meeting, detailed written and verbal advice for each of the agenda items of that meeting and so made it possible for the meeting to go ahead and for a member of the Council to act as a minute taker. Advice had been received from WALC that this was an acceptable approach.
- c) The undertaking of policy drafting included in the Locum Clerk's invoice could be considered as being included in the Council's Risk Assessment for contracting a Locum Clerk under the activity 'Advice regarding legislative obligations undertaken by the Council'. The Locum Clerk, like our own Clerk, is a 'qualified and experienced Clerk' and so, at a time when there was no certainty over when our Clerk would return to work, it would have been negligent to not take action immediately to manage the on-going risks and issues. The Locum Clerk, with limited knowledge of this Council's activities, was able to objectively identify the problems which had arisen and the potential problems which could arise as a result of the prolonged absence of the employed Clerk. She also identified the lack of certain policies and cover requirements which members considered helpful to assist in the planning to identify and reduce future risk.

d) The Parish Council confirms that the position of insurance cover for the Locum Clerk was established prior to her being appointed on 19th January. Firstly, Came & Co were contacted on 15th January to check the cover for a Locum Clerk under our existing insurance policy. Andrew Bedding at Came & Co confirmed, both verbally and in writing that day, that our insurance policy 'will provide Employers' Liability, Public Liability and Officers' Liability for anyone acting under a contract of service as a Locum Clerk for the Parish Council.' The Parish Council acted in good faith based on this advice. Secondly, the Locum Clerk provided the Parish Council on 16th January 2021 with a copy of the insurance certificate for her own insurance policy. This clearly showed that she also had full Professional Indemnity and Public Liability cover. The relevant documents to evidence these points can be made available to the auditor and could have readily been made available during the audit had they been requested.

Your sincerely,

Cllr Jane Brentor
Chairperson, Downton Parish Council

(or Mrs Bev Cornish, Clerk, Downton Parish Council)