

DOWNTON
PARISH COUNCIL



**Business Continuity Plan
For Loss of Key Personnel**

Adopted August 2021 Minute **MM:21**

1. Introduction

- 1.1. The Civil Contingencies Act 2004 places a duty on a local authority that it is prepared, as far as reasonably practical, to continue to provide functions/services in the event of a disruption by whatever cause. Whilst this is not a statutory duty for a Parish Council, it is Downton Parish Council's intention to recognise the importance of producing and maintaining a Business Continuity Plan for implementation in the event of disruptions, the immediate responses, the procedures and necessary changes to service delivery, where such services are disrupted by factors within the Council's area of responsibility.
- 1.2. Downton Parish Council has identified via its Corporate Risk Register in the "Staffing & Employment" section key risks associated with the loss or unavailability of key personnel.
- 1.3. This document aims to provide additional details associated with only that risk. It does not replace the Council's Community Emergency Response Plan.
- 1.4. This document aims to identify the actions and resources which would be required in the event of a disruption of normal business to enable the Parish Council to function legally and to fulfil its duties to the community. Such disruption to focus on the loss or unavailability of key personnel beyond very temporary or planned absence.
- 1.5. The plan is intended to be an accessible document which is easily understood and available to those who may have to implement it. It does not assume that such people (for example councillors) will have similar knowledge and understanding of the key personnel. However, it does assume that they are familiar with the operations of parish councils and of the arrangements for Downton Parish Council.

2. Definition of Services Provided

- 2.1. The Council provides local services to its electorate, a summary of which is set out below:
 - i. Website, notice boards, information and the use of other social media to communicate important and relevant matters
 - ii. The functions of the Proper Officer
 - iii. Salt bins, benches and waste bins as owner (as listed on the Asset Register)
 - iv. Provision of playing fields and play areas (as listed on the Asset Register)
 - v. Open spaces
 - vi. Grass and tree maintenance for The Borough Greens, play areas and other locations (as listed on the Asset Register)
 - vii. Management of the Downton Cemetery in Barford Lane
 - viii. Management of the Public Toilets in The Borough

- ix. Bus Shelter cleaning and maintenance
- x. Management of Contractors
- xi. Acting as a consultee on planning applications to represent the best interests of the parish
- xii. Managing the finances of the Council
- xiii. The provision of grants to support community activities and organisations
- xiv. Liaising with Wiltshire Council and other partnership organisations on issues which affect the parish

The detailed list of services is shown in Annex A.

- 2.2. Downton Parish Council does not operate from an office or have any specific premises necessary for the discharge of its responsibilities. Its key personnel work from home.

3. Acceptable Levels of Business Continuity

- 3.1. The Council's services could be impacted by varying degrees in a business continuity event. Some are provided by contractors and so may continue. Others may be more tightly reliant on the availability of key personnel.
- 3.2. The table in Annex A outlines how the services which the Council provides will be impacted during a business continuity operation.
- 3.3. Annex A provides guidance on the actions to be taken to ensure business continuity for the unavailability of the Clerk for:
 - a) temporary disruption for up to 7 days
 - b) short term disruption for up to a month
 - c) longer term disruption for up to 3 months or more

4. Invoking Business Continuity

- 4.1. Following the unscheduled absence of key personnel, the Chair and Vice-Chair and Chair of the Staffing Committee shall meet and review whether to invoke the Business Continuity Plan.
- 4.2. The outcome of their discussion and decision shall be recorded and shared electronically with all other councillors and key personnel and shall be ratified at the next full Council meeting.
- 4.3. In the absence of key personnel, then an Extraordinary Meeting of the Parish Council shall be called by the Chair of the Council without delay to approve expenditure. In such circumstances, it is not necessary to provide 3 clear days' notice for the meeting and as the nature of the business relates to staffing, the meeting can be held in closed session in accordance with the Public Bodies (Admission to Meetings) Act 1960 s1(2). See draft Agenda in Annex B.

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¶ The Staffing Committee Terms of Reference require the Staffing Sub Committee or an identified representative to 'manage, supervise and appraise the Clerk'. ¶

¶ The Risk Assessment for the Absence of the Clerk approved by resolutions of the Council at meetings held on 25th January and 22nd February 2021 require diarised monthly meetings to be held and monthly/weekly objectives being set for the Clerk to ensure that Council decisions requiring action by the Clerk can be achieved or prioritised whilst ensuring that the Clerk is not 'micro-managed'. These achievements are to be reviewed with an identified member of the Staffing Committee to support time management. ¶

¶ The Officers' Work Tracker (setting out tasks and their status) and timesheets must be updated regularly to ensure the status of all work tasks is known. ¶

¶ The Council's payroll is outsourced to a contractor whose details are contained in the Contractors list. ¶

¶ A monthly diary action list (stored in the officers' Work Tracker) will be compiled for the year which will include an overview of key tasks to be completed and their dates so that in the absence of key personnel, the Council can continue to meet its obligations to employees, contractors, HMRC etc. ¶

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4.4. Advice can also be sought from the Wiltshire Association of Local Councils on the detailed arrangements for the approval of funding if neither the Clerk nor the Administrative Officer are available.

4.5. The operation, implementation and communication of business continuity will be led by the Chair and Vice-Chair of the Council with the support of the Administrative Officer and any appointed Clerk.

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5. Arrangements for Clerk

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5.1. In the temporary absence of the Clerk for up to a month, the Chair of the Staffing Committee should establish whether the Administrative Officer has capacity to:

- a) Work additional hours on a temporary basis.
- b) Minute meetings in the Clerk's absence in accordance with their job description.

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5.2. Subject to any agreement made with the Administrative Officer, the Chair or Vice-Chair shall contact neighbouring clerks who are CiLCA-qualified to check their availability to support the Council for the period of absence for up to 1 month. If remote meetings are not required, then the logistics of the Clerk attending meetings would need to be taken into account.

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5.3. For information, the local Clerks qualified to CiLCA level are currently employed by Hale Parish Council, Idmiston Parish Council, Fordingbridge Town Council, Landford Parish Council and Redlynch Parish Council. The Clerk for Wilton Town Council is CiLCA and CertHE qualified.

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5.4. Guidance should be sought from the Council's insurers on the cover provided by the Council's insurance policy for temporary insurance cover to be provided for a neighbouring Clerk. If they are not self-employed, they need to be so managed as to be regarded as an 'employed person' and not as a contractor and therefore eligible for cover under the Council's insurance.

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Came & Co define an Employed Person as anyone:
1 under a contract of service or apprenticeship with the Council or a worker as defined in Section 230 of the Employment Rights Act 1996

2 who is:
a employed by the Council or for the Council on a labour only basis
b hired to the Council or borrowed by the Council from another employer
c a voluntary helper or someone taking part in a work experience or training scheme and under your control or supervision.

A self-employed Contractor is defined as anyone:
1 whose activities and working methods are exclusively for them to determine, supervise, direct and control.

- 2 Is exclusively responsible for organising where, when, how and in what order the services are performed.
- 3 has the ability to use any person nominated by them to provide the services.

The local Clerk could be viewed as falling under clause 2b above.

- 5.5. In the longer term absence of the Clerk e.g. over 3 months or if it is confirmed that none of the local clerk(s) are available, the Chair or Vice-Chair should contact Katie Fielding at WALC on 01380 732808 and/or the SLCC Locum Clerk Service on 01823 253646 consultancy@slcc.co.uk.
- 5.6. The Administrative Officer would only be expected to act as the minute taker at the Extraordinary Meeting at which it was agreed to appoint a Locum Clerk / Stand-in Clerk and that the Locum or stand-in Clerk, once appointed would take on the duties of the Clerk with the Administrative Officer, supporting the Locum or Stand-in Clerk by, for example, dealing with matters that require local knowledge such as correspondence, contractors, liaison with Wiltshire Council departments etc
- 5.7. The appointment of a self-employed Locum Clerk would be regarded by the Council's insurance policy as a contractor and therefore evidence of professional indemnity insurance and public liability insurance must be provided by the Locum Clerk before appointment. The levels and cover must be comparable to that provided by the Council's own insurance which can be checked to confirm details. If required the Council's insurance broker, Came and Company, can be contacted for advice.
- 5.8. The Chair and the Vice-Chair of the Council may sign the appointed Locum Clerk's contract. A copy of the contract shall be provided to all councillors as soon as possible after their appointment along with the Locum Clerk's contact details.

6. Data, Information and Access

- 6.1. Key information is stored on the Dropbox system in accordance with the help files on the Use of Dropbox. The guidance documents are stored in the 'DPC-CW-Dropbox-help' folder of Dropbox. By virtue of being stored in Dropbox all key information is backed up as it is updated. The Rialtas Finance system has been setup to have its backups stored within the Dropbox system. Regular backups, eg fortnightly, are taken to ensure that any miscellaneous files are backed up.
- 6.2. All councillors have access to the DPC-CW-Dropbox-help' folder.
- 6.3. Other information is published on the Council's website.
- 6.4. Details of accounts (usernames and passwords) are stored in a file in the top level Business Continuity ('DPC-CW-Bus-Cont') folder in Dropbox.

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The folder also contains licencing details and a list of keys and keyholders. This file will be the definitive document containing the Council's passwords. It will be password protected with the password stored in a sealed envelope and held by the Chair and nominated finance councillor.

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6.5. As with a Fire Alarm system, for which unannounced Fire Drills need to be carried out from time to time to test that fire safety procedures will work in the event of a real fire, the Chair of the Council in the presence of 2 other councillors shall, from time to time, run an unannounced test to check that the log in IDs and passwords contained in the sealed envelope work and hence are being kept up to date. The results of any such test to be reported immediately after the event to the Clerk and members. Such a test shall not be carried out during peak/busy periods of the Council's year or immediately prior to staff holidays. Please also see Financial Regulation Clause 6.11 for further details.

6.6. Access to Dropbox folders is managed by the Clerk's Dropbox account. By logging on to Dropbox.com using the Clerk's account details, the Locum Clerk's user ID (typically their email) can be given access to the Dropbox folders.

6.7. The Council's Rialtas finance package can be used by installing the package onto a separate laptop and copying the latest backup file from the Dropbox folder - DPC-OF-Rialtas. The supplier of Rialtas (RBS) has confirmed that as the software is not being used concurrently with the Clerk's there are no licence implications. They also recommended that they are contacted to ensure that the latest copy of Rialtas is being used and to assist in the setting up of the system on the second machine.

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7. Work In Progress

7.1. The Staffing Committee Terms of Reference require the Staffing Sub Committee or an identified representative to 'manage, supervise and appraise the Clerk'.

7.2. The Risk Assessment for the Absence of the Clerk approved by resolutions of the Council at meetings held on 25th January and 22nd February 2021 require diarised monthly meetings to be held and monthly/weekly objectives being set for the Clerk to ensure that Council decisions requiring action by the Clerk can be achieved or prioritised whilst ensuring that the Clerk is not 'micro-managed'. These achievements are to be reviewed with an identified member of the Staffing Committee to support time management.

7.3. The Officers' Work Tracker (setting out tasks and their status) and timesheets must be updated regularly to ensure the status of all work tasks is known.

7.4. A monthly diary action list (stored in the officers' Work Tracker) will be compiled for the year which will include an overview of key tasks to be completed and their dates so that in the absence of key personnel, the Council can continue to meet its obligations to employees, contractors, HMRC etc.

8. Funds Available

8.1. Downton Parish Council's insurance policy provides Key Person cover. This provides a benefit of £250 per week and the sum of £2,500 can be claimed in any one period of insurance (1 year) with no excess.

9. Location of Equipment

- 9.1. All equipment required such as salt, bins, the Operation London Bridge materials and other equipment is located in the Parish Council's store, the padlock code for which is listed in the password document.
- 9.2. The key safe located in the Clerk's home office which stores the keys to Council properties will be passed to the Chair of the Council.

10. Contractor Management and Information

- 10.1. Contact details for contractors may be found on their latest invoices which are stored in the Dropbox Accounts Payable folder accessible to Parish Council's bank signatories.
- 10.2. The Council's payroll is outsourced to a contractor whose details are contained in the Contractors list.
- 10.3. A list will be developed as invoices are paid to record key contact details associated with contracts providing services critical to business continuity. This will be kept up to date and stored in the Business Continuity folder in Dropbox.

11. Location of this Plan

- 11.1. This plan will be stored in the Business Continuity folder in Dropbox.
- 11.2. Access to it will be managed by the Clerk according to the 'Guidance for the Use of Dropbox'. Access will be provided to the Chair and Vice-Chair.
- 11.3. It will not be made available to members of the public.

12. Review and Update

- 12.1. This plan will be reviewed after it has been invoked and/or as part of the annual update.

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ANNEX A – BUSINESS CONTINUITY FOR COUNCIL SERVICES FOR LOSS OF CLERK

TIMELINE	WITHIN 7 DAYS	WITHIN 1 MONTH	WITHIN 3 MONTHS
Recovery Steps	Immediate Response & Actions	BUSINESS CONTINUITY Rebuild Confidence	
Area			
Website, notice boards, information and the use of other social media to communicate important and relevant matters	Website to be maintained by Communications Lead Login already provided	Website to be maintained by Communications Lead Login already provided	Website to be maintained by Communications Lead Login already provided
Provision of signs & benches	Not relevant	Not relevant	Not relevant
Salt bins	Managed under Snow/Ice Plan of the Community Emergency Response Plan		
Waste bins		Provide revised Council contact details to contractor	
Bus Shelters	Not relevant	Contractor details provided in contractor list	Contractor details provided in contractor list
Provision of playing fields and play areas	Not relevant	Review capacity of Admin Officer to continue co-ordinating response to inspections	Review capacity of Admin Officer to support work of the Amenities Committee
Grass maintenance	Contractor continues	Provide revised Council contact phone to contractor	Contractor continues
Management of the cemetery	Decide on temporary cover strategy – Admin Officer to provide cover	Review capacity of Admin Officer/Locum Clerk to provide cemetery duties. Provide Burial Registers to Admin Officer	Review capacity of Admin Officer/Locum Clerk to provide cemetery duties
Management of Contractors	Decide on temporary cover strategy – Admin Officer to provide cover	Locum Clerk to provide cover	Locum Clerk to provide cover
Acting as a consultee on planning applications	Emails forwarded from Clerk's address to nominated contact	Contact Wiltshire Council with change of contact details for receipt of notifications of planning applications	Admin Officer/Locum Clerk to be notified of planning applications
Managing the finances of the Council	Install Rialtas onto laptop computer. Download backup from Dropbox	Locum Clerk to provide cover	Locum Clerk to provide cover

TIMELINE	WITHIN 7 DAYS	WITHIN 1 MONTH	WITHIN 3 MONTHS
Recovery Steps	Immediate Response & Actions	BUSINESS CONTINUITY Rebuild Confidence	
Area			
Liaising with Wiltshire Council and other partnership organisations on issues that affect the parish	Chair of the Council liaises with unitary councillor.	Chair of the Council liaises with unitary councillor.	Chair of the Council liaises with unitary councillor.
Hazardous situation arose in the village that is the responsibility of the Parish Council	Follow Community Emergency Response Plan with councillors fulfilling roles of Clerk and Admin Officer	Call Extraordinary Council Meeting to discuss position and any necessary action	Review Community Emergency Response Plan for improvements
Legislation compliance	Seek guidance from WALC	Locum Clerk	Locum Clerk
Health & Safety legislation	Seek guidance from WALC	Locum Clerk	Locum Clerk
Risk Assessment	Seek guidance from WALC	Locum Clerk	Locum Clerk
Agendas and minutes	Temporary cover by Admin Officer	Locum Clerk	Locum Clerk
Clerk meetings	Temporary cover by Admin Officer	Locum Clerk	Locum Clerk
Manage correspondence and post	Temporary cover by Admin Officer	Temporary cover by Admin Officer	Temporary cover by Admin Officer
Research topics and prepare proposal / reports for council	Temporary cover by Admin Officer	Locum Clerk	Locum Clerk
Review use of policies and propose improvements	Await Clerk's return	Await Clerk's return	Await Clerk's return
Supervise employees	Not relevant	Regular contact with existing employees and Locum Clerk by Chair, Vice-Chair of Council and Chair of Staffing Committee	Regular contact with existing employees and Locum Clerk by Chair, Vice-Chair of Council and Chair of Staffing Committee

ANNEX B – DRAFT AGENDA FOR EXTRAORDINARY MEETING

To: All Members of Downton Parish Council

You are summoned to an Extraordinary Meeting of Downton Parish Council on Monday 7 2021 at 7.30 pm. This meeting will be held in the Bonvalot Room at the Downton Memorial Centre, The Borough, Downton for the purpose of transacting the following business.

Agenda

- 1 Minute Taker**
To resolve to appoint a note taker for the meeting in the absence of the Clerk.
- 2 Public Question Time**
To receive questions and statements, either verbal or written, from members of the public. [Public Bodies \(admissions to meetings\) Act 1960 s1 extended by the LG Act 1972 s100](#)
- 3 Apologies**
To receive and accept apologies from Councillors. [LGA 1972 s85 \(1\)](#)
- 4 Declarations of Interest and Dispensation Requests**
 - a.** To receive **Declarations of Interest** in respect of matters contained in this agenda, in accordance with the provisions of the Localism Act 2011 in respect of members and in accordance with the provisions of the Local Government Act 1972 in respect of officers. ([Disclosable Pecuniary Interests Regulations 2012 \(SI 2012/1464\)](#) (NB this does not preclude any later declarations).
 - b.** To consider any **Dispensation Requests** received by the Parish Clerk and not previously considered. [Localism Act 2011 s33\(b-e\)](#)
- 5 Business Raised During Public Question Time**
To resolve to refer any business raised by the public in public discussion, and any other matters or items of information from councillors, to the appropriate committee or to resolve to agree on any other action.
- 6 Business Continuity Plan**
To resolve to ratify the invoking of the Business Continuity Plan by the Chair and Vice-Chair and Chair of the Staffing Committee as set out in Clause 4.1 of the Plan.

Part 2 – EXEMPT MATTERS – EMPLOYMENT & STAFFING

- 7 The Chair to propose the following resolution – ‘That under the Public Bodies (Admission to Meetings) Act 1960 it is advisable in the public interest that the press and public be temporarily excluded and they be instructed to withdraw in view of the confidential nature of the business on staffing about to be transacted’.**
- 8 Appointment of Locum Clerk**
To resolve to approve the arrangements for contracting a Locum Clerk during the Clerk’s absence and agree on the contract of employment, work to be undertaken, hours of work and remuneration to be paid and for the contract of employment to be signed by the Chair and Vice-Chair.
- 9 Funding for Locum Clerk**
To resolve to approve the sum of £X to be taken from X budget line to fund the contracting of a locum clerk.

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