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MINUTES OF A MEETING OF THE PERSONNEL BOARD HELD ON 5 SEPTEMBER 2018 FROM 7.35 PM TO 8.40 PM

Committee Members Present

Councillors: Alistair Auty (Chairman), Stuart Munro (Vice-Chairman), UllaKarin Clark, Charlotte Haitham Taylor and Charles Margetts

Officers Present

Anne Hunter, Democratic and Electoral Services Lead Specialist
Andrew Moulton, Assistant Director Governance
Sarah Swindley, Lead Specialist HR

38. APOLOGIES

Apologies for absence were submitted from Councillors Lindsay Ferris and Pauline Helliars-Symons.

39. MINUTES OF PREVIOUS MEETINGS

The Minutes of the meeting of the Personnel Board held on 9 July 2018 and the Minutes of the Extraordinary Meetings held on 26 July, 2 August and 14 August 2018 were confirmed as correct records and signed by the Chairman.

40. DECLARATION OF INTEREST

There were no declarations of interest received.

41. PUBLIC QUESTION TIME

There were no public questions submitted.

42. MEMBER QUESTION TIME

There were no Member questions submitted.

43. SETTING UP OF AN INVESTIGATING AND DISCIPLINARY COMMITTEE (IDC)

The Board considered a report proposing the setting up of an Investigating and Disciplinary Committee (IDC) to deal with disciplinary matters relating to the three statutory Officers i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer.

Andrew Moulton went through the report and advised that the process being proposed was in line with the Model Disciplinary Procedure and Guidance and drew Members attention to the Model Procedure Flow Diagram which set out the process that would be followed.

Andrew tabled a revised Terms of Reference and advised that because the IDC was being set up as a committee of the Personnel Board its membership must be drawn from those Members who had been appointed to Personnel Board, including substitute Members, and therefore the first sentence of section 2 had been amended to read: "The Investigating and Disciplinary Committee shall consist of three Members drawn from the membership of the Personnel Board, including substitute Members." Andrew further confirmed that the membership must be politically balanced and include at least one member of the Executive.

Members discussed the Terms of Reference in detail and in order to be open and transparent put forward that Personnel Board itself should agree the membership of the

IDC and not the Group Leaders. Members were also unhappy that the IDC was only now being set up when the Model Guidance had been in existence for some time.

In line with the other bodies that were included in the Model Procedure Flow Diagram Sarah Swindley tabled a draft Terms of Reference for a Personnel Board Appeals Sub-Committee which would consist of five Members. The Board was unhappy with the proposal that Members could sit on more than one body to hear the same matter and asked that the last sentence of section 2 be deleted from the TOR.

With regard to the Appeals Sub-Committee Terms of Reference Members again felt that the selection process was not as open and transparent as it could be. Following consideration of alternative selection methods it was agreed that eligible Members would be contacted by Democratic Services about their availability and from those that responded the Lead Specialist HR, in the presence of a Democratic Services Officer, would by anonymised ballot randomly pick the membership of the Sub-Committee. A substitute member for each category outlined in section 2 would also be picked. Any Member selected through this process would need to confirm in writing that they had no conflicts that would prohibit them sitting on the Sub-Committee. The Personnel Board asked that this selection process also be replicated in the IDC Terms of Reference.

It was agreed that Officers would amend the Terms of Reference for the IDC and the Appeals Sub-Committee, taking into account the comments made at the meeting, and circulate them to Personnel Board members for approval

RESOLVED that:

- 1) an Investigating and Disciplinary Committee be established and authority be delegated to the Committee to deal with disciplinary matters relating to relevant senior Officers i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;
- 2) the Investigating and Disciplinary Committee consist of three Members drawn from the membership of the Personnel Board, including substitute Members, with seats allocated, as and when the Committee is required to sit, in accordance with the proportionality rules and appointments made in accordance with the process set out in the revised Terms of Reference;
- 3) taking account of comments made at the meeting Officers amend the Terms of Reference of the Investigating and Disciplinary Committee, as set out in Appendix 1 of the report, and circulate them to members of the Personnel Board for final agreement;
- 4) a Personnel Board Appeals Sub-Committee be established and authority be delegated to the Sub-Committee to deal with appeals against disciplinary and grievance matters relating to relevant senior Officers i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;
- 5) the Personnel Board Appeals Sub-Committee consist of five Members drawn from the membership of the Personnel Board, including substitute Members, with seats allocated, as and when the Committee is required to sit, in accordance with the proportionality rules and appointments made in accordance with the process set out in the revised Terms of Reference;

- 6) taking account of comments made at the meeting Officers amend the Terms of Reference of the Personnel Board Appeals Sub-Committee as tabled, and circulate them to members of the Personnel Board for final agreement;
- 7) training be provided to members of the Investigating and Disciplinary Committee and the Personnel Board Appeals Sub-Committee prior to them attending their first meeting;
- 8) in line with the changes brought about by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 Officers be asked to draft detailed procedures relating to disciplinary matters involving relevant Officers for subsequent inclusion in Section 11.5 of the Constitution.

Appendix to Minutes - terms of reference

44. CHIEF EXECUTIVE JOB DESCRIPTION

The Board considered a revised job description for the permanent recruitment of a Chief Executive.

Sarah Swindley highlighted the changes that had been made to the job description previously viewed by the Personnel Board, which had come about following feedback from Members, and advised that the role was due to be advertised tomorrow.

RESOLVED: That the job description, as attached at Appendix 1 to the report, be approved for the permanent recruitment of the Chief Executive.

45. ANNUAL EQUALITY MONITORING WORKFORCE REPORT

The Board considered the Annual Equality Monitoring Workforce report for 2018-2019.

Sarah Swindley when introducing the report highlighted that one of the main issues was encouraging staff to include their data on the system so that the Council had an accurate picture of its workforce. It was noted that the workforce was actually more diverse than the population it served. Sarah drew Members' attention to the action plan and specifically that a biennial equal opportunities refresh was being introduced to ensure that staff were up to date and aware of their legal duties and requirements.

Members were pleased to note the increased take-up of apprenticeships and felt that more PR should be done on this as it was very positive.

RESOLVED: That the Annual Equality Monitoring Workforce report be approved.

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PERSONNEL BOARD APPEALS SUB-COMMITTEE TERMS OF REFERENCE

1. Purpose

The Personnel Board Appeals Sub-Committee has been set up by the Personnel Board to:

Disciplinary

- a) deal with all appeals against a decision of the Investigating and Disciplinary Committee which is 'action short of dismissal' in relation to disciplinary matters relating to "relevant Officers" as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;

Grievance

- b) deal with an appeal from a complainant against a decision to dismiss the complainant's grievance taken by either the Receiving Officer (after receipt of an Investigation Report recommending a dismissal) or the Personnel Board Grievance Sub-Committee in relation to grievance matters relating to "relevant Officers" as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;

The functions of the Appeals Sub-Committee will be in accordance with the Model Disciplinary Procedure and Guidance for Chief Executives as issued by the Joint Negotiating Committee Conditions of Service Handbook (as current at that time) and as supplemented by the Council's standard grievance or disciplinary procedures.

2. Composition of the Personnel Board Appeals Sub-Committee

The Personnel Board Appeals Sub-Committee shall consist of five Members chosen from the members or substitutes of the Personnel Board. Seats will be allocated, as and when the Committee is required to sit, in accordance with the proportionality rules.

The Members appointed to sit on the Sub-Committee must not have sat on any other body in respect of the matter under consideration or had any previous involvement in the matter.

3. Allocation of Seats on the Personnel Board Appeals Sub-Committee

The following process will be used to allocate seats on the Sub-Committee:

- 1) Democratic Services, in consultation with the Chairman of Personnel Board and HR, will agree an appropriate date and time to hold the Sub-Committee meeting;

- 2) Democratic Services will e-mail members of the Personnel Board, including substitute members, to ascertain who would be available on the agreed date and they will be given 48 hours to respond;
- 3) From the responses received the Lead Specialist HR (or their nominated representative), in the presence of a Democratic Services Officer, will by anonymised ballot randomly pick Members for the Sub-Committee in accordance with the requirements of section 2 above. A substitute member for each category outlined in section 2 above will also be picked;
- 4) Those Members chosen to sit on the Sub-Committee will then be contacted and advised of the matter that will be considered by the Sub-Committee. They will then need to provide written confirmation that they do not have a conflict of interest in relation to the matter under consideration and have not previously declared a view either for or against the matter in public.
- 5) The Monitoring Officer/Deputy Monitoring Officer will be advised of those Members who have been selected to sit on the Sub-Committee in order that they can, if necessary, raise any objections about their suitability.

4. Meetings of the Personnel Board Appeals Sub-Committee

Meetings of the Personnel Board Appeals Sub Committee will be held in private as and when required.

5. Chairman

The Chairman of the Personnel Board Appeals Sub-Committee will be appointed by the members at the relevant meeting of the Committee.

6. Quorum

The quorum of a meeting of the Personnel Board Appeals Sub-Committee will be three.

7. Public and Member Questions

No public or Member questions may be asked at Personnel Board Appeals Sub-Committee meeting.

INVESTIGATING AND DISCIPLINARY COMMITTEE TERMS OF REFERENCE

1. Purpose

The Investigating and Disciplinary Committee (IDC) has been established by the Personnel Board to:

- a) deal with all disciplinary matters relating to “relevant Officers” as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;
- b) carry out all the actions set out for the Investigating and Disciplinary Committee (IDC) in the Model Procedure Flow Diagram (as included in the Model Disciplinary Procedure and Guidance for Chief Executives) (see Appendix).

2. Composition of the Investigating and Disciplinary Committee

The Investigating and Disciplinary Committee shall consist of three Members drawn from the membership of the Personnel Board, including substitute members. Seats will be allocated, as and when the Committee is required to sit, in line with section 3 below. Seats will also be allocated in accordance with the proportionality rules and one of the members of the Committee must be an Executive Member.

The Members appointed to sit on the Committee must not have sat on any other body, including the Appeals Sub-Committee, in respect of the matter under consideration or had any previous involvement in the matter.

3. Allocation of Seats on the Investigating and Disciplinary Committee

The following process will be used to allocate seats on the Committee:

- 1) Democratic Services, in consultation with the Chairman of Personnel Board and HR, will agree an appropriate date and time to hold the Committee meeting;
- 2) Democratic Services will e-mail members of the Personnel Board, including substitute members, to ascertain who would be available on the agreed date and they will be given 48 hours to respond;
- 3) From the responses received the Lead Specialist HR (or their nominated representative), in the presence of a Democratic Services Officer, will by anonymised ballot randomly pick Members for the Committee in accordance with the requirements of section 2 above. A substitute member for each category outlined in section 2 above will also be picked;

- 4) Those Members chosen to sit on the Committee will then be contacted and advised of the matter that will be considered by the Committee. They will then need to provide written confirmation that they do not have a conflict of interest in relation to the matter under consideration and have not previously declared a view either for or against the matter in public.
- 5) The Monitoring Officer/Deputy Monitoring Officer will be advised of those Members who have been selected to sit on the Committee in order that they can, if necessary, raise any objections about their suitability.

4. Meetings of the Investigating and Disciplinary Committee

Meetings of the Investigating and Disciplinary Committee will be held in private as and when required.

5. Chairman

The Chairman of the Investigating and Disciplinary Committee will be appointed at the first meeting of the Committee.

6. Quorum

The quorum of a meeting of the Investigating and Disciplinary Committee will be three.

7. Public and Member Questions

No public or Member questions may be asked at Investigating and Disciplinary Committee meetings.