

HR POLICY COMMITTEE

Minutes of a Meeting of the HR Policy Committee held in the Luttrell Room - County Hall, Taunton, on Monday, 14 November 2016 at 1.30 pm

Present: Cllr A Groskop (Chairman), Cllr J Bailey, Cllr A Bown, Cllr Coles and Cllr H Siggs

Other Members present: Cllr L Redman

Apologies for absence:

137 **Declarations of Interest** - Agenda Item 2

None.

138 **Minutes from the previous meeting** - Agenda Item 3

The Committee confirmed the minutes of the meeting held on 12 September 2016 as a correct record.

139 **Public Question Time** - Agenda Item 4

Nigel Behan of Unite raised the following questions regarding agenda Item 6

“The third recommendation states:

(3) To remove the requirement for an Officer Appeals Committee to hear appeals by officers against dismissal.

(Review of the Officer Appeals & Chief Officer Appointments Processes)

Q1 We are concerned that removing this very important existing procedure will undermine confidence in the fairness of dismissal processes. For instance, if someone has been dismissed (by a Senior Officer) should not they have an opportunity to Appeal to Elected Councillors (who ultimately represent the Employer)?

Q2 How many Officer Appeal Committees (OAC) have there been for each year in the last ten years? What evidence is there that removing this right that it will save “time”?

Q2a) What evidence has been produced to demonstrate that that this “material” change will not make a difference?

Q2b) Why is there no Equality Impact Assessment and has a risk log been produced to accompany this proposal?

Staff, when facing disciplinary procedures, want the Elected Councillors to hear their part of the narrative and believe that Elected Councillors will be more

independent. They also want Elected Members to see the whole situation from a dispassionate perspective (and value the Seven Principles of Public Life).

We believe Elected Members would want to “look under the bonnet” and hearing appeals is an opportunity to look at the issues from a different perspective. It is also an opportunity for Elected Members to make recommendations, if relevant and necessary. (Staff learn more about the Council’s Constitution.)

Q3 Most Local Authorities have similar “Staffing Committees” to hear Appeals and the processes and rights of dismissed employees to Appeal to Elected Councillors are included in the Constitution. Why is it necessary to remove this important right?

Q4 Does the Committee think that staff being able to Appeal to the OAC, provides further assurance that proper processes are followed -and also provides sufficient assurance that there is appropriate separation from (other parts of) the Senior Leadership Team if the Appeal to Elected Members is removed?”

The Chairman agreed that these questions would be considered during discussion of Item 6.

140 **Amendments to Statutory Protection Arrangements for the Chief Executive, S151 Officer and Monitoring Officer & related amendments to 'Disciplinary Action' Arrangements for Senior Officers - Agenda Item 5**

The Committee considered the report of the Deputy Monitoring Officer, which recommended changes to the statutory protection arrangements to be applied where the Council proposed to dismiss one of its statutory officers (the Chief Executive, Section 151 Officer or Monitoring Officer). This would bring the Council’s constitutional provisions into line with recent legislation.

The report also included associated amendments required or considered appropriate to the wider constitutional provisions relating to disciplinary action with regard to SLT Officers and including the Monitoring Officer
Several concerns were raised regarding the ability of the Independent Persons to fulfil the roles required of them, as they were primarily appointed to advise on members’ conduct issues. Members were assured that the Panel would be fully supported and would be able to access independent legal advice if required.

The Committee resolved to recommend the Council to approve:

1. The revised statutory protection proposals set out in the report to be applied where the Council proposes the dismissal of a post-holder holding the position of Chief Executive, Section 151 Officer or Monitoring Officer – paragraph 1.1.8 refers. The Committee requested the addition of an extra statement, stipulating that the Independent Persons Panel would be able to draw on external, independent legal advice if it so required.

2. Associated amendments proposed to the arrangements relating to SLT Officers and including the Monitoring Officer as summarised in paragraphs 1.1.8.- 1.1.11.
3. An amendment to the Council's Pay Policy Statement to reflect the changes in procedures recommended in 1 and 2 above – see paragraph 1.1.12 and the Appendix to the report.

141 Review of the Officer Appeals & Chief Officer Appointments Processes - Agenda Item 6

The Committee considered a report by the Strategic Manager, HR Business Relations, which proposed efficiency changes to HR processes involving members.

Chief Officer Appointments Panel: The current process required both an Appointments Panel and an Appointments Committee to meet physically to deal with different phases of an appointment. These procedures had proved to be inflexible and lengthy, particularly when the Council wished to make a swift appointment. In order to improve the efficiency of the process, officers proposed that the Appointments Panel should be able to hold virtual meetings and that the membership of the Appointments Committee should be reduced from 8 members to 5.

The Committee unanimously supported these proposals and the Constitutional changes required as a consequence.

Officer Appeals Committee: In order to streamline current processes, officers proposed reducing member involvement in appeals by staff against dismissal (excluding chief officers) by removing the ability to appeal to the Officer Appeals Committee. Instead, officers recommended that appeals against dismissal should be dealt with at senior officer level.

In response to the questions raised at Public Question Time and by Committee members, officers explained that convening officer appeal hearings within the 28 day timescale was proving increasingly difficult due to the limited availability of the 6 members involved. Also, as members were not involved in the appointment of staff below the level of Chief Officer, it was inconsistent to involve them in hearing appeals against dismissal. The standards appeals procedure could be appropriately amended to cover areas where members would have been involved, for instance dismissal on the grounds of conduct, performance and health.

Members acknowledged that there had been administrative difficulties since the membership of the Officer Appeals Committee had been reduced from 12 to 6 but were reluctant to remove the ability for staff to have appeals heard by members. After further discussion, it was agreed that this item would be deferred until the next meeting to enable officers to examine other options, such as members having a role as mediators earlier in the process, rather than decision-makers.

The Committee resolved to recommend the Council:

- (1) To amend the procedures that apply to the Chief Officer Appointments Panel to enable it to meet virtually to undertake its functions as detailed in the Constitution.
- (2) To reduce the maximum size of the Chief Officer Appointments Committee from 8 members to 5.
- (3) To amend the Pay Policy Statement 2016/17 to reflect decisions made in (1) and (2) above
- (4) To ask the Constitution Committee to make any necessary changes to the Constitution to reflect decisions made in (1) and (2) above

The Committee also resolved:

To defer the proposals regarding the Officer Appeals Committee to the January meeting of this Committee

142 Staff Benefits - Agenda Item 7

The Committee received a verbal update on the success of the Staff Benefits scheme after its first six months of operation

143 County Hall Parking Update - Agenda Item 8

The Committee received an update on the current consultation process taking place on the proposed parking changes and noted responses received from members so far. A further report would be made to the January meeting of the Committee

144 Any other urgent items of business - Agenda Item 9

There were no other items of business.

(The meeting ended at 2.50 pm)

CHAIRMAN