

**At a meeting of the HUMAN RESOURCES COMMITTEE held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on FRIDAY 15 MARCH 2013 AT 1.30 PM.**

**Present:**

Councillor P. Watson in the Chair

Councillors Gofton, Mordey, Speding, H. Trueman, Wakefield, A. Wilson, and Wood.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors D. Trueman and S. Watson.

**Declarations of Interest**

There were no declarations of interest.

**Minutes of the Last Meeting of the Committee, Part I held on 21 February 2013**

16. RESOLVED that the minutes of the last meeting of the Committee held on 21 February, 2013, Part I (copy circulated) be confirmed and signed as a correct record.

**Matters Arising from the Minutes**

**(i) Localism Act 2011 – Pay Policy Statement**

The Director of Human Resources and Organisational Development referred to the previous discussion on how the wage of the lowest paid employees equated to that of both the National Minimum Wage and the Living Wage and clarified that those employees on the lowest spinal column point (Grade A, Point 4) were earning £6.29 per hour compared to the National Minimum Wage of £6.19 per hour and a Living Wage of £7.45 per hour.

## **Elected Member Appeals Panel**

The Director of Human Resources and Organisational Development submitted a report to propose the terms of reference for the hearing of appeals against dismissal or demotion, and formal stage 2 grievance appeals.

The Director of Human Resources and Organisational Development reminded Members that the procedures for Attendance Management (Appendix 1), Capability (Appendix 2) and Disciplinary (Appendix 3) were submitted to the February Committee. These were however deferred, to amend the proposed appeal arrangements to retain Member involvement and reflect the process used for the Workforce Planning exercise.

It was now proposed that the Council would retain the Elected Member Appeals Panel to hear appeals against dismissal or demotion, and final stage grievances advised by the Director of HR & OD (or their authorised officer). Therefore the Appeals Panel would be constituted by two members of the Labour Party and one Member of the Opposition Party. Appeals against other formal action would be heard by the Chief Officer (or their authorised officer), advised by the Director of HR & OD (or their authorised officer). Changes to the above mentioned policies had been made to reflect the proposed appeal arrangements.

The Director went on to say that in line with these arrangements, consideration had been given to developing Terms of Reference for appeal meetings, to reflect the recommendations set out in the ACAS Code of Practice and guidance. If agreed, these would be used to structure appeals held for written warnings and final written warnings. The Terms of Reference, which included an Order of Proceedings and Possible Outcomes, was detailed at Appendix 1 of the report.

Councillor Gofton sought clarification that the outcome option stating that 'Recommendations may also be made' was a one relating to what lessons may need to be learnt from the particular case. The Director agreed and explained that for example this may relate to training or developmental issues or improvements to be made in terms of communication.

The Code did not include detailed information on how to handle disciplinary or grievance appeals but Members were advised that the appeal would be a review of the decision made at the disciplinary hearing.

Councillor H. Trueman welcomed the fact that the purpose of the appeal process had been streamlined and tightened to be a review of the decision originally made. The Director explained that whilst additional evidence could be provided, its purpose must be to substantiate claims made at the original hearing and not to introduce any new or additional information in relation to any new or unrelated issues.

Councillor Wood questioned the composition of the Appeals Panel, in particular whether all Council Members would be invited to be involved in the process. The Assistant Head of Law and Governance responded by advising that it would be appropriate, as in the past, to establish a body of Members with expertise and experience in this area to sit on panels. This group of Members would however be as broad as possible to ensure that capacity was available to hear appeals in a timely manner whilst at the same time providing for some continuity in the constitution of panels.

Councillor Gofton referred to the Attendance Management Policy, in particular the section relating to the notification of sickness absence and questioned the implications for management on the requirement of employees to personally telephone their line manager or designated contact on the first day of absence by 9.30am. The Director responded by advising that this was a judgement of reasonableness and did not require managers to be available every day up until 9.30am as a message could be left or at the least an attempt made by the employee to speak to their Manager.

The Deputy Director of Human Resources and Organisational Development went on to explain that whilst the employee was asked to make personal contact, this judgement of reasonableness would also be used to determine whether or not the particular employee was physically able to do so and in exceptional circumstances, other forms of contact would be acceptable. Furthermore, certain operational areas imposed more stringent requirements driven by the particular practical requirements of the service.

17. RESOLVED that:-

- (i) the terms of reference attached to the report for the hearing of appeals against dismissal or demotion and formal stage 2 grievance appeals, proposed by the Director of Human Resources and Organisational Development (HR& OD), be approved; and
- (ii) the procedures for Attendance Management (Appendix 2 of the report), Capability (Appendix 3 of the report) and Disciplinary (Appendix 4 of the report), originally submitted to the Committee in February 2013, be approved.

#### **Local Government (Access to Information) (Variation Order) 2006**

18. RESOLVED that in accordance with Section 100(A)4 of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of exempt information relating to any individual or information which is likely to reveal the identity of an individual or information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matters arising between the Authority. (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 4).

(Signed) P. WATSON,  
Chairman.

**Note:-**

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.