

HUMAN RESOURCES COMMITTEE

14 July 2023

GRIEVANCE PROCEDURE: CHIEF EXECUTIVE

REPORT OF THE DIRECTOR OF SMART CITIES AND ENABLING SERVICES

1. Purpose of Report

- 1.1 The purpose of this report is to propose a new procedure for the management of grievances that are submitted directly against the Chief Executive Officer or grievances that are raised by the Chief Executive Officer.

2. Description of the Decision (Recommendation)

2.1 The Human Resources Committee is recommended to:

- 2.1.1 adopt the Grievance Procedure: Chief Executive as set out in Appendix 1 and authorise the Director of Smart Cities and Enabling Services to make any typographical or stylistic corrections to the procedure as are necessary.
- 2.1.2 recommend Council to amend the Employment Procedure Rules (Appendix 2) to provide for the suspension and disciplinary functions currently assigned to the Human Resources Committee as a whole, to be undertaken by an Investigatory and Disciplinary Panel of three members, convened from the membership of the Human Resources Committee, as set out in the Grievance Procedure: Chief Executive.

3. Background

- 3.1 Grievance procedures are needed to provide individuals with a course of action if they have a complaint which they are unable to resolve informally. A grievance procedure allows for the opportunity to formally resolve matters internally without recourse to an employment tribunal.
- 3.2 This Procedure will apply:
- where an employee raises a grievance against the Chief Executive of the Council (as defined in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook); and

- where the Chief Executive of the Council raises a grievance against an individual elected member(s) or the employing Council generally.
- 1.3 The Council's existing Grievance Procedure does not cover grievances that are submitted directly against the Chief Executive or grievances that are raised by the Chief Executive. It is therefore necessary to develop a separate Procedure for grievance matters pertaining to the Chief Executive as significant procedural differences are required.
 - 1.4 Members will see that the draft Procedure provides that if there are serious concerns about a Chief Executive's conduct, they may be referred to an Investigatory and Disciplinary Panel of three members convened from the membership of the Human Resources Committee. The Council's Employment Procedure Rules (Appendix 2) currently provide for the Human Resources Committee as a whole to have the functions of suspending the Chief Executive, undertaking disciplinary action (except for dismissal) against a statutory officer and disciplinary action (including dismissal) against any other chief officer or deputy chief officer. (A statutory officer, as defined in the Rules, may only be dismissed by a resolution of Council.)
 - 1.5 It is proposed that the Investigatory and Disciplinary Panel be composed of a Chair and two additional Panel members, an arrangement that mirrors that of the Appeals Panel. Flexibility in the make-up of the Investigatory and Disciplinary Panel (achieved through the 3 Member proposal) will help prevent any perception of bias and can also help achieve balance where diversity and cultural mix are relevant and important considerations within a specific process. Best practice states that the constitution of panels should be considered depending upon the nature of the issue to be considered. Additionally, support will be offered to those responsible for reaching a decision in such matters to come to the matter afresh, appropriately trained and properly resourced.
 - 1.6 If the Human Resources Committee approves the Grievance Procedure, it will therefore be necessary to recommend Council to amend the Employment Procedure Rules to provide for the relevant disciplinary functions to be undertaken by a Panel drawn from the Committee, rather than the Committee as a whole. In accordance with the model procedure suggested in the JNC Conditions of Service Handbook, the Panel would include at least one member of the executive.

5. Financial Implications

- 5.1 There are no direct additional financial implications regarding this proposal.

6. Consultation

- 6.1 The trade unions will be consulted on this proposal and any comments received from trade union colleagues will be shared with the Committee.

