

# GENERAL PURPOSES COMMITTEE AGENDA



28 January 2013

at 2.00 p.m.

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: GENERAL PURPOSES COMMITTEE:

Councillors C Akers-Belcher, Cook, Fisher, James, G Lilley, Richardson, Simmons, Sirs and Wells.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 10 December 2012
4. **ITEMS REQUIRING DECISION**
  - 4.1 Deferred Pension Benefits - *Human Resources Business Partners*
  - 4.2 General Purposes Committee – Redundancy Dismissal Appeals Procedure - *Human Resources Business Partners*
  - 4.3 Appointment of Local Authority Representatives to Serve On School Governing Bodies - *Director of Child and Adult Services*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**



# GENERAL PURPOSES COMMITTEE

## MINUTES AND DECISION RECORD

10 DECEMBER 2012

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Christopher Akers-Belcher, Marjorie James, Geoff Lilley, Carl Richardson, Chris Simmons and Kaylee Sirs

Officers: Gillian Laight, Human Resources Business Partner  
Ann Turner, Governor Support Officer  
Angela Armstrong, Principal Democratic Services Officer

### **99. Apologies for Absence**

None.

### **100. Declarations of interest by Members**

Councillor Cook declared a prejudicial interest in minute 102 and indicated he would leave the meeting during the consideration of the appointment of Governors at Barnard Grove Primary School.

### **101. Confirmation of the minutes of the meeting held on 12 November 2012**

Confirmed.

## 102. **Appointment of Local Authority Representatives to serve on School Governing Bodies** (*Director of Child and Adult Services*)

The report provided Members with an update in respect of vacancies that currently existed for Local Authority representative governors serving on school governing bodies. A schedule of vacancies was attached at Appendix 1, **this item contained exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to any individual (para 1).**

Members considered the following vacancies and recommended the expressions of interest to the Portfolio Holder for approval:

Councillor Rob Cook left the meeting at this point due to his earlier declaration of interest. Councillor Marjorie James in the Chair.

Barnard Grove Primary School – Councillor Rob Cook

Council Rob Cook returned to the meeting. Councillor Cook in the Chair.

Eldon Grove Primary School – Councillor John Lauderdale  
 Holy Trinity CE Aided Primary School – Councillor Kelly Atkinson  
 Jesmond Gardens Primary School – Mrs Sandra Saint  
 Owton Manor Primary School – Councillor Paul Beck  
 Throston Primary School – Mr Kevin Shears.

There were a number of vacancies remaining where no expression of interest had been received and included:

Brougham Primary School  
 Catcote School  
 Fens Primary School  
 Golden Flatts Primary School  
 Grange Primary School  
 Lynnfield Primary School  
 Rossmere Primary School  
 Springwell School.

A discussion ensued on the importance of having the Local Authority represented on governing bodies who were able to attend meetings on a regular basis. It was suggested that advertising vacancies for Local Authority representatives on Governing Bodies in local centres, libraries and community centres may generate interest from representatives from local organisations with a specific interest in that area. In addition, vacancies should be advertised within the Council's *Hartbeat* magazine and highlighting the benefits of being involved in local schools and shaping

the future of education. A Member added that this information could also be included on the Council's intranet to bring it to the attention of employees of the Council.

However, the requirement for appropriate training for all Local Authority representatives on governing bodies was discussed, especially in relation to understanding the implications for the Local Authority in terms of potential academies and buy back arrangements of services.

### **Decision**

- (i) That the following nominations to vacancies for Local Authority Representatives on governing bodies be submitted to the Portfolio Holder for consideration:

Barnard Grove Primary School – Councillor Rob Cook  
 Eldon Grove Primary School – Councillor John Lauderdale  
 Holy Trinity CE Aided Primary School – Councillor Kelly Atkinson  
 Jesmond Gardens Primary School – Mrs Sandra Saint  
 Owton Manor Primary School – Councillor Paul Beck  
 Throston Primary School – Mr Kevin Shears.

- (ii) That the remaining vacancies be advertised through local centres, libraries, including the mobile library, community centres and the Council's publication *Hartbeat* highlighting the benefits of being involved in local schools and shaping the future of local education provision.

## **103. Update from Issues Arising from General Purposes Committee Training** *(HR Business Partner)*

As part of the recent training programme arranged for all General Purposes Committee Members, a number of queries had arisen. A HR Business Partner was in attendance to provide clarification on the following issues raised by Members:

- 1) That a cut off date for the submission of all appeal documentation be reiterated to all parties with additional information only accepted at the discretion of the Chair of the General Purposes (Appeals & Staffing) Committee hearing the appeal and only in exceptional circumstances.
- 2) It was suggested that an agreed bundle of papers should be prepared for future appeals (similar to the system used in tribunal cases) which would contain all the duplicate information that was likely to be included in both management and appellant cases, such as job descriptions, correspondence etc.

In relation to point 1) above the HR Business Partner confirmed that all parties were informed of the deadline date for the submission of all

documentation to the General Purposes (Appeals and Staffing) Committee. Members were also reminded that appeal documentation was only exchanged between parties once both had submitted their information. Whilst the issue of a deadline date for submission was clearly communicated to all parties, it was not included in any communication that additional information was only accepted at the discretion of the Chair of the General Purposes (Appeals and Staffing) Committee. However, this could be included in correspondence in the future at the point when directions on the submission of information to the Committee was provided to both parties.

A discussion ensued on the importance of Members being in possession of all the facts and relevant information prior to the meeting to enable them to have a clear understanding of the case. Members were of the view that it should only be in exceptional circumstances that late information should be accepted by the Committee, however the Chair should be informed of any requests for the submission of documentation after the deadline prior to the day of the meeting.

A Member highlighted to the Committee that a report had been submitted to the Finance and Corporate Services Portfolio Holder for the meeting on 12 December 2013 which proposed several changes to the procedure followed by the General Purposes (Appeals and Staffing) Committee in its decision making. Members were concerned that changes to the Committee's decision making process were being proposed without any consultation with the General Purposes Committee. It was therefore requested that the Portfolio Holder be asked to defer consideration of this item to enable the General Purposes Committee to consider the review and submit its views to the Portfolio Holder. In addition, an explanation of how the process to review the decision making procedure of the General Purposes (Appeals and Staffing) Committee had been undertaken was also requested.

In relation to point 2) above, a discussion ensued on the potential to agree a 'bundle' of papers to be considered at a General Purposes (Appeals and Staffing) Committee in a similar way to the procedure followed for Employment Tribunals. The HR Business Partner outlined the potential implications of having a standard bundle of papers from the management, Human Resources and appellant's point of view. Whilst it was recognised that on occasions, cases submitted by appellants could be extremely lengthy, the majority of cases were a lot less. However, Members considered that if a bundle of common papers was submitted, this would ensure the comprehension of the individual information submitted by both the management and appellant would be more efficient and effective. It was recognised that the majority of appellants were supported by a recognised Trade Union Representative.

**Decision**

- (i) That a common bundle of documents be prepared for all appeals including the job descriptions, person specifications and contract of employment for submission to the General Purposes (Appeals and Staffing) Committee for each appeal hearing.
- (ii) That management representatives and appellants submit any additional documentation to HR that form part of their individual case by a prescribed deadline.
- (iii) That all parties be informed that the submission of any documentation to HR after the prescribed deadline would only be accepted by the Chair of the General Purposes (Appeals and Staffing) Committee in exceptional circumstances prior to the day of the Committee scheduled to hear the appeal.

**104. Any Other Items which the Chairman Considers are Urgent**

It was highlighted to Members that a list of provisional dates had been agreed with the Chair and Vice Chair of the Committee for potential General Purposes (Appeals and Staffing) Committees from April to June 2013. Members were requested to provisionally add the dates to their diaries until such time that the dates could be confirmed by Democratic Services. However, if there were any dates that Members would be unable to attend, they were to advise Democratic Services at their earliest convenience.

**Decision**

- (i) That Members note the provisional dates for General Purposes (Appeals and Staffing) Committees April – June 2013.
- (ii) That if Members were unable to attend any of the provisional dates, they were requested to inform Democratic Services at their earliest convenience.

The meeting concluded at 3:03 pm

CHAIR

# GENERAL PURPOSES COMMITTEE

## 28 January 2013



**Report of:** Human Resources Business Partners

**Subject:** DEFERRED PENSION BENEFITS

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### 1. PURPOSE OF REPORT

- 1.1 To provide follow up information on a request made during an internal training session with Members, to explore a single policy to allow only the release of deferred pension benefits with a reduction to the benefits to offset the cost of release on the Council.

### 2. BACKGROUND

- 2.1 During an internal training session in November 2012 on the Local Government Pension Scheme, Members of the General Purposes Committee requested further discussion on a single option being given to ex-employees making deferred pension requests for release of pension benefits.

When an ex-employee is under the age of 60 years and wants to access their pension benefits and consequently a decision is made by the employer to release the pension early, then this creates a financial pressure on the pension funds. For this reason it means either the employer takes on the costs of the early release or the ex-employee accepts that if the pension is released early then the benefits payable are reduced.

Currently Members are asked to make a decision on deferred pension requests, mainly for compassionate reasons, and have one of three options:

1. Not to agree release of pension
2. Agree release of pension with no reduction in pension which means costs to the Council
3. Agree release of pension with a reduction in pension benefits for the individual with no costs to the Council

The process currently is set up so that General Purposes (Appeals & Staffing) Committee make their decision, and if this is to release the pension with a reduction in benefits to the pension member, then the option is given for the individual to retract their request if they do not want release of their pension on a reduced basis. We ensure that the employee has all the relevant information so they can make an informed decision.

### **3. RECOMMENDATIONS**

- 3.1 Following discussions with Teesside Pension Fund the advice is that employers should not restrict their policy discretion, otherwise they would no longer be able to apply their statutory discretion which is expected to be made on each individual application. Failure to do this could give rise to a complaint. The recommendation is therefore to maintain the status quo.

### **4. CONTACT OFFICER**

Rachel Clark  
HR Business Partner  
[rachel.clark@hartlepool.gov.uk](mailto:rachel.clark@hartlepool.gov.uk)  
Tel: 01429 284346



# GENERAL PURPOSES COMMITTEE

28 January 2013



**Report of:** Human Resources Business Partners

**Subject:** GENERAL PURPOSES COMMITTEE –  
REDUNDANCY DISMISSAL APPEALS PROCEDURE

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## 1. PURPOSE OF REPORT

- 1.1 To consult on a new appendix to the Reorganisation, Redundancy and Redeployment Policy to include the revised General Purposes (Appeals & Staffing) Committee Redundancy Dismissal Appeals Procedure.

## 2. BACKGROUND

- 2.1 Hartlepool Borough Council has a Reorganisation, Redundancy and Redeployment Policy. This references the redundancy dismissal appeals process and it would make sense to link the process to this policy as an appendix.

There is currently a section within the stand-alone Redundancy Dismissal Appeal process which indicates that if members uphold the appeal then a review is instigated which then needs to submit its findings back to the Committee. This need for a review has caused a number of issues, including a delay in a final decision to the employee, and therefore all parties involved in discussions on this process have agreed that the need for a review should be removed and should Members need further clarification before making a decision then they still have the option to adjourn the appeal.

## 3. PROPOSED AMENDMENTS

- 3.1 The new Appendix is attached at Appendix 1 for information. However the main changes include:
  - Ensuring clarity as to the decisions that can be made as a result of an appeal
  - Removal of the need for a review process
  - Introduction of flow chart for ease of reference
  - Updated job title reference for those involved in the appeal

**4. RECOMMENDATIONS**

1. That the report be noted.
2. That Members provide such comment that may be appropriate for submission to the Portfolio Holder for decision.

**5. CONTACT OFFICER**

Rachel Clark  
HR Business Partner  
rachel.clark@hartlepool.gov.uk  
Tel: 01429 284346

Appendix 1

**General Purposes (Appeals & Staffing) Committee**

**Appeals against Redundancy Dismissal**

**Constitution of Appeals Committee**

Appeals against redundancy dismissal are heard by a duly convened and quorate General Purposes (Appeals and Staffing) Committee of the Council. The Constitution defines the make up of the Committee and how many Members constitute a quorum.

Members who have had any direct prior involvement in the case will be excluded from sitting. A Human Resource Representative will attend appeals against redundancy dismissal to provide advice (including procedural and employment law advice) to the Committee and to assist Members generally in establishing the arguments and facts being presented to them.

Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

**Written Statements**

Both management and the employee will be invited to submit written statements of case which will be forwarded to Committee Members by the notified report deadline. Where both parties have provided statements these will also be exchanged at the same time. If one party does not produce a statement, they will receive the other party's statement as early as practicable or on the day of the hearing.

Within 3 days of the hearing both the management representative and the employee must notify the Human Resource Representative advising the Committee, of the names of any witnesses that will be called to support their case. The names of these individuals will be notified to both parties in advance of the hearing.

**Representation and Attendance**

The normal procedure will be for the Employee plus their Representative, and the dismissing Chief Officer, the relevant Service Manager, plus a Human Resources representative, to attend the hearing and present their cases. Witnesses will be called in turn, to give evidence and will then leave the hearing. It is at the discretion of the Committee to permit either party to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

**Appendix 1**

**Decisions**

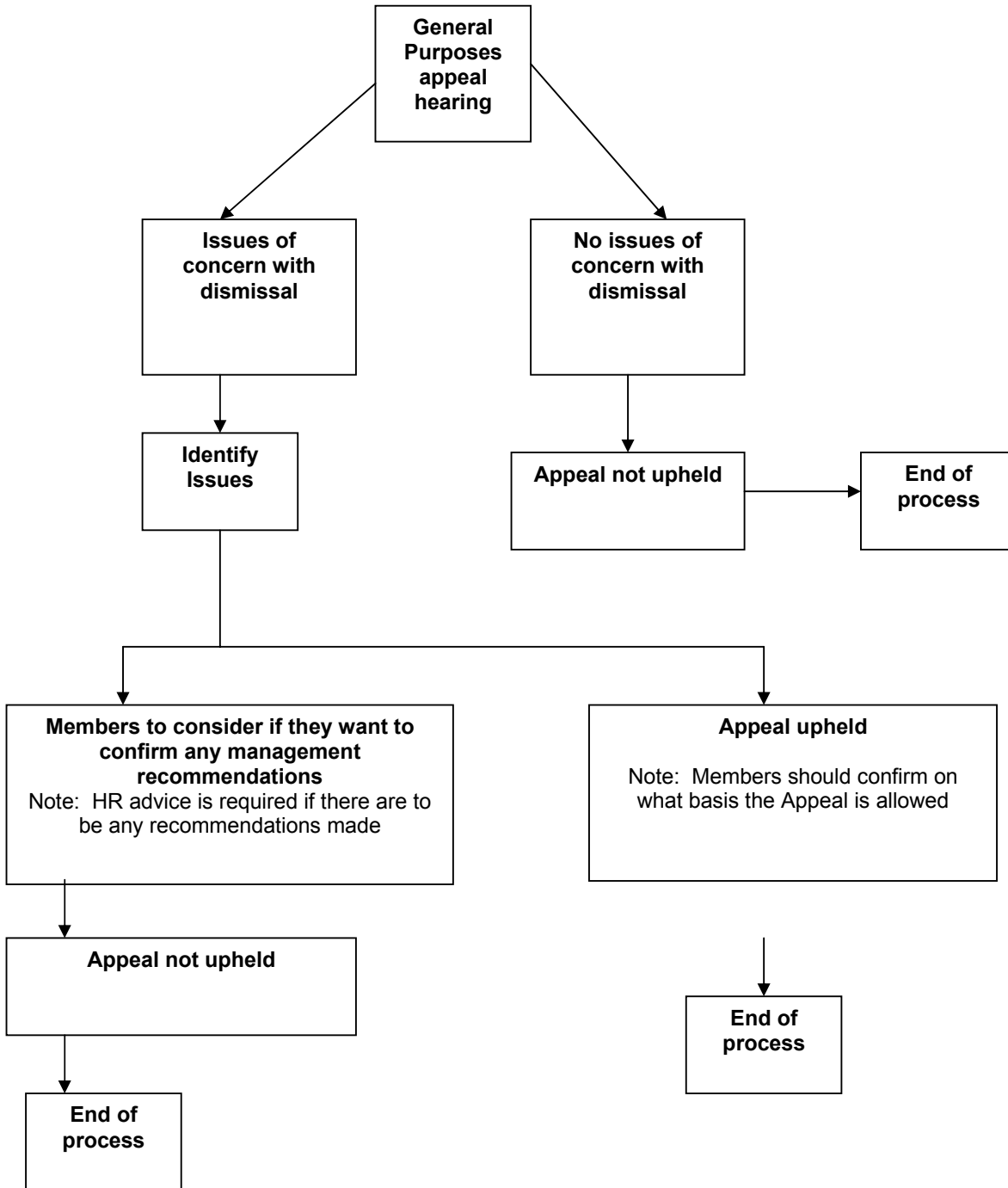
Decisions generally will fall into two categories, namely:

- (a) Appeal Not Upheld: not allowing the appeal in which case the employee's redundancy dismissal is confirmed.
- (b) Appeal Upheld: allowing the appeal. Members should confirm on what basis the appeal is allowed.

Members should refer to the process flowchart in this procedure (Flowchart 1: Guide for Members / Appeals against Redundancy Dismissal Process) below.

The General Purposes (Appeals and Staffing) Committee shall give its decision in full detail in the presence of both parties and the Human Resources Representative advising the Committee, and clarification may be sought by any party.

Flowchart 1: Guide for Members / Appeals against Redundancy Dismissal Process



Appendix 1

**Guide to the format of the Hearing**

The procedure will be as follows: -

Management Case

1. The Management Representative and/or Human Resource Representative shall state the case.
2. The Management Representative and/or Human Resource Representative may call witnesses and the procedure for questioning each witness shall be:
  - o Management and/or Human Resource Representative to question
  - o Employee and/or Representative to question
  - o Each Member of the Committee and the Human Resource Representative advising the panel, to be invited to ask any questions
  - o Management and/or Human Resource Representative to re-examine
  - o Witness to retire
3. The Employee or Representative may ask questions of the Management Representative and/or Human Resource Representative.
4. The Committee Members and the Human Resource Representative advising the panel may ask questions of the Management Representatives and/or Human Resource Representative

Employee Case / Response

5. The Employee or Representative shall state the case.
6. The Employee or Representative may call witnesses and the procedure for questioning each witness shall be:
  - o Employee and/or Representative to question.
  - o Management representative and/or Human Resource Representative to question.
  - o Each Member of the Committee and the Human Resource Representative advising the panel to be invited to ask any questions.
  - o Employee and/or Representative to re-examine.
  - o Witness to retire
7. The Management Representative and/or Human Resource Representative may ask questions of the Employee.
8. The Committee Members and the Human Resource Representative advising the panel, may ask questions of the employee and/or representative.

Summing Up

9. The Management Representative and/or Human Resource Representative to have the opportunity to sum up the case, if they choose to.
10. The Employee and/or Representative to have the opportunity to sum up the case, if they choose to.
11. The Management Representative and Human Resource Representative, the Employee and Representative to withdraw.
12. The Committee to deliberate in private with only the Human Resource Representative to the panel, and Democratic Services Officer in attendance recalling the Management Representative, Human Resource Representative, the Employee and Representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

**Appendix 1**

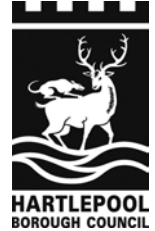
Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The Employee Representative must be a Trade Union representative or colleague from work.
4. When advising the Committee, the Human Resource Representative shall not have had any involvement in the original decision to dismiss.

<p style="text-align: center;"><b>GENERAL PURPOSES COMMITTEE</b></p> <p style="text-align: center;"><b>28<sup>th</sup> JANUARY 2013</b></p>
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**Report of:** Director of Child & Adult Services

**Subject:** APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVES TO SERVE ON SCHOOL GOVERNING BODIES

**1. PURPOSE OF REPORT**

To update members of the General Purposes Committee in respect of vacancies that currently exist for Local Authority representative governors serving on school governing bodies where some interest has been expressed in the vacancies, and to request members to make recommendations to the Children’s and Community Services Portfolio Holder in respect of the appointments to school governing bodies.

**2. BACKGROUND**

Applications are invited from members of the general public, elected members and those governors whose term of office is about to expire or has expired and who are interested in serving, or wish to continue to serve as a LA representative governor on school governing bodies.

The following criteria were agreed by the Borough Council for the recruitment of LA representative governors in 2000. LA governors should be able to show:

- demonstrable interest in and commitment to education;
- a desire to support the school concerned;
- a commitment to attend regular meetings of the governing body (and committees as appropriate) and school functions generally;
- good communication/interpersonal skills;
- ability to work as part of a team;
- a clearly expressed willingness to participate in the governor training programme.



### 3. PROPOSAL

A schedule (**Appendix 1**) is attached setting out details of vacancies which currently exist for LA representative governors, where interest has been expressed in the vacancies together with applications received in respect of the vacancies (**Appendix 2**). **This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to any individual (para 1)**

### 4. RECOMMENDATIONS

That the recommendations for the appointments set out in the confidential section of the minutes, of LA representative governors be referred to the Children's and Community Services Portfolio Holder for approval.

### 5. BACKGROUND PAPERS

- Schedule of vacancies
- Applications

### 6. CONTACT OFFICER:

**Ann Turner, Governor Support Officer, telephone 523766  
email [ann.turner@hartlepool.gov.uk](mailto:ann.turner@hartlepool.gov.uk)**

# Child and Adult Services



## VACANCIES FOR LOCAL AUTHORITY REPRESENTATIVES ON GOVERNING BODIES

**JANUARY, 2013**

**Contact Officer: Ann Turner  
01429 523766**

**LA POSITIONS AND VACANCIES -  
SCHOOL GOVERNING BODIES**

<p style="text-align: center;"><b>SCHOOL</b> Including details of current LA Governors</p>	<p style="text-align: center;"><b>Vacancies</b></p>	<p style="text-align: center;"><b>Expressions of Interest</b></p>	<p style="text-align: center;"><b>Recommended for Appointment</b></p>
<p><b>Brougham Primary School</b>  Mrs. S. Marshall (term of office expires 4<sup>th</sup> March 2013) Mr S Thomas</p>	<p style="text-align: center;">2 Vacancies (including Mrs Marshall)</p>	<p style="text-align: center;">Mrs S Marshall</p>	
<p><b>Catcote School</b>  Mr S Wallace</p>	<p style="text-align: center;">2 vacancies</p>	<p style="text-align: center;">Mr J W Robson</p>	
<p><b>Fens Primary School</b>  Mrs. P. Heward Mr. A. Preece</p>	<p style="text-align: center;">1 Vacancy</p>	<p style="text-align: center;">No interest expressed</p>	
<p><b>Federated Governing Body Hart Community and St Peter's Elwick CE Aided Primary School</b>  Mr G Newbury</p>	<p style="text-align: center;">1 vacancy</p>	<p style="text-align: center;">Councillor K Fisher</p>	
<p><b>Golden Flatts Primary School</b>  Councillor C. Hill</p>	<p style="text-align: center;">2 Vacancies</p>	<p style="text-align: center;">No interest expressed</p>	

<b>SCHOOL</b> <b>Including details of current LA</b> <b>Governors</b>	<b>Vacancies</b>	<b>Expressions of</b> <b>Interest</b>	<b>Recommended for</b> <b>Appointment</b>
<b>Grange Primary School</b>	2 vacancies	Councillor G Lilley	
<b>Jesmond Gardens Primary School</b>  Mrs. Sandra Saint Councillor Linda Sheilds	2 vacancies	No interest expressed	
<b>Lynnfield Primary School</b>  Councillor C Richardson Councillor C Simmons	2 vacancies	No interest expressed	
<b>Rossmere Primary School</b>  Mrs. M. Smith	1 Vacancy	No interest expressed	
<b>Springwell School</b>  Mrs. L. Barraclough	1 Vacancy	No interest expressed	